

RESPONSE TO COMMENTS

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR STORMWATER DISCHARGES
ASSOCIATED WITH COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL (CII) FACILITIES IN THE
DOMINGUEZ CHANNEL/INNER LOS ANGELES AND LONG BEACH HARBOR WATERSHED AND THE LOS CERRITOS CHANNEL/ALAMITOS
BAY WATERSHED
ORDER NO. R4-XXXX-XXXX
GENERAL NPDES PERMIT NO. XXXXXX

***The August 25, 2025 public notice of the revised tentative NPDES permit limited comments to additional changes that were not made in response to comments on the previous tentative permit dated November 15, 2023. A response to comments document was released along with the August 25, 2025 revised tentative permit that provided a detailed summary of comments received, the Los Angeles Water Board's responses, and changes made to the previous tentative permit dated November 15, 2023. The August 25, 2025 public notice specified the following additional changes that were open to written comment:

1. The discharge prohibitions in section 4.4, 4.5, and 4.6 of the previous tentative permit have been removed.
2. The requirements for authorized non-stormwater discharges in section 5.2.1 and 5.2.2 of the previous tentative permit have been removed.
3. Corresponding findings have been added to sections 4.6.3, 4.6.3.3, and 4.7 of Attachment F to explain the removal of the discharge prohibitions and authorized non-stormwater discharge requirements.
4. A new section 2 has been added to Attachment E, as well as sections 3.2 and 9 of the Order, requiring all Dischargers to conduct initial sampling and analysis of their effluent to evaluate reasonable potential to cause or contribute to an exceedance of water quality objectives.
5. Corresponding findings have been added to sections 3.12.,4.1.2, 4.6.3.3, and 4.10 of Attachment F to explain and support the new Attachment E, Section 2, and Order Sections 3.2 and 9, requirements.
6. The quality assurance and additional requirements for toxicity testing in section 6.5 of Attachment E have been removed and new sections 6.5 and 6.6 for the Toxicity Identification Evaluation and Toxicity Reduction Evaluation process have been added. The subsequent reporting section has been renumbered to 6.7 and clarified.

Comments on the August 25, 2025 revised tentative NPDES were received as of September 24, 2025.

Letter Number	Commenter (Click to go to location)
--	Acronyms List for Response to Comments
1	Los Angeles Waterkeeper
2	Dominguez Channel Watershed Management Group
3	Richard Watson & Associates, Inc.
4	Port of Long Beach
5	Los Angeles County Sanitation Districts
6	California Stormwater Quality Association
7	California Council for Environmental and Economic Balance
8	Los Angeles County Business Federation
9	California Manufacturers & Technology Association
10	Western States Petroleum Association
11	BNSF Railway
12	Union Pacific Railroad
13	Michael Baker International
14	TECS Environmental
15	Latham & Watkins LLP
16	Environmental Law Group LLC
17	Fusco Engineering Inc.
18	NV5

Acronym	Definition
40 CFR	Title 40 of the Code of Federal Regulations
BAT	Best Available Pollutant Control Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practice
BPT	Best Practicable Control Technology Currently Available
CII Facilities	Commercial, Industrial, and Institutional facilities in the Dominguez Channel/Inner Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed
CII Permit	Commercial, Industrial, and Institutional Stormwater General Permit
CTR	California Toxics Rule
CWA	Clean Water Act, i.e., Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.)
CWC	California Water Code
ELG	Effluent Limitation Guideline
Fact Sheet	Attachment F of the Tentative Revised CII Permit
IGP	Industrial General Permit
Los Angeles Water Board	Los Angeles Regional Water Quality Control Board
MDL	Method Detection Limit
MS4	Municipal Separate Storm Sewer System
MS4 Permit	Regional Municipal Separate Storm Sewer System Permit
NAICS	North American Industrial Classification System
NAL	Numeric Action Level
NEC	No Exposure Certification
NOI	Notice of Intent
NONA	Notice of Non-Applicability
NPDES	National Pollutant Discharge Elimination System
NSWD	Non-Stormwater Discharge
Order	Order NO. R4-2024-XXXX
PAH	Polynuclear Aromatic Hydrocarbon
PCB	Polychlorinated Biphenyl
PRD	Permit Registration Document

Acronym	Definition
QSE	Qualifying Storm Event
ROWD	Report of Waste Discharge
RPA	Reasonable Potential Analysis
SIC	Standard Industrial Classification
SMARTS	Stormwater Multiple Application and Report Tracking System
SWPPP	Stormwater Pollution Prevention Plan
TBEL	Technology-Based Effluent Limitation
the two watersheds	(1) Dominguez Channel/Inner Los Angeles and Long Beach Harbor Watershed and Los Cerritos Channel/Alamitos Bay Watershed
TMDL	Total Maximum Daily Load
TSO	Time Schedule Order
TSS	Total Suspended Solids
U.S. EPA	United States Environmental Protection Agency
WLA	Wasteload Allocation
WMG	Watershed Management Group
WMP	Watershed Management Program
WOTUS	Water of the United States
WQBEL	Water Quality-Based Effluent Limitation

Comment Number	Comment	Response
1.1	<p>We greatly appreciate the efforts from the Regional Board and the EPA to develop a permitting scheme for CII facilities in the Watersheds, and the thoughtful responses to our comments raised in previous letters, including many changes made to the Final Designation and Second Revised Draft Permit to incorporate our suggestions. Nevertheless, we wish to repeat several important points to ensure the CII Permit is as effective as possible in reducing stormwater pollution from a currently unregulated category of dischargers. We have identified new concerns with the Final Designation and Second Revised Draft Permit that were not previously anticipated. Ultimately, if the Final Designation and CII Permit will serve as a first “phase” of regulating all CII facilities in the Watersheds as the EPA asserts, more clarity and commitment to future phases will be necessary to comply with the District Court order in <i>Los Angeles Waterkeeper v. Pruitt</i>, 320 F.Supp.3d 1115 (C.D. Cal. 2018).</p> <p>We respectfully offer the following comments on the Final Designation and the Second Revised Draft Permit, each of which is explained further below:</p> <ul style="list-style-type: none"> (I) The EPA’s exclusion of privately-operated CII facilities on publicly-owned land from the Final Designation conflicts with the District Court order and lacks justification; (II) The EPA and/or the Regional Board should expand permit coverage to all CII sites greater than five acres; (III) We support the incorporation of numeric effluent limitations in the CII Permit and the initial sampling requirements for permittees under any Compliance Option; (IV) The Regional Board should reincorporate receiving water limitations as a backstop to protect water quality; (V) The Regional Board should strengthen oversight over Compliance Option 1 funding agreements to ensure adequate funding levels and prevent pollution hotspots; and (VI) The Regional Board should reduce the timeframe for permittees to submit Permit Registration Documents from three years after the effective date to two years. 	<p>Thank you for your comments. Detailed responses are provided below.</p>

Comment Number	Comment	Response
1.2	<p>The EPA’s Exclusion of Privately-Operated CII Facilities on Publicly-Owned Land from the Final Designation Conflicts with the District Court Order and Lacks Justification. [See comment letter from Los Angeles Waterkeeper for full comment text.]</p>	<p>Thank you for your comment. However, this comment pertains to U.S. EPA’s final residual designation and is outside the scope of the action by the Los Angeles Water Board.</p>
1.3	<p>The EPA and/or the Regional Board Should Expand Permit Coverage to All CII Sites Greater than Five Acres.</p> <p>As we outlined in our December 18, 2023 comment letter regarding the Revised Draft CII Permit and the Revised Preliminary Designation (Attachment C), we believe the size threshold selected by the EPA for coverage under the Final Designation—five or more acres of impervious surface cover—is insufficient. We incorporate by reference our comments made in Attachment C and repeat them here. In short, based on the EPA’s own modeling analysis of different size thresholds, the EPA should revise its Final Designation to cover all CII sites of at least five acres, irrespective of impervious surface cover. To the extent the EPA does not revise its Final Designation, the Regional Board should use its independent authority to ensure the CII Permit applies coverage to all facilities greater than five acres in size, in order to achieve meaningful pollutant reductions under the initial CII Permit.</p> <p>Further, the EPA’s responses to comments once again conflate the concept of a “phased” approach with the need to regulate all CII sites identified in the RDA Petitions and ordered for designation by the District Court. As the EPA’s responses to comments indicate, there is no plan for future phases of designations to account for smaller CII sites below the five-acre impervious surface threshold established in the Final Designation—the EPA states it “<i>may</i> designate stormwater discharges from additional CII sources in the future.” The RDA Petitions, however, did not specify any size threshold in requesting CII facilities be designated for inclusion in stormwater permits. The modeling and analysis included as exhibits to the petitions indicate an assessment of <i>all</i> CII sources within the Watersheds. The modeling in the RDA Petitions established that at least 88% of zinc loadings and 84% of copper loadings in the Dominguez Channel and Harbor Waters, and 30% of zinc loadings, 18% of copper loadings, and 26% of nitrogen loadings in the Alamitos Bay/Los Cerritos Channel, come from CII facilities of all shapes and sizes. The EPA’s “phased” approach only results in guaranteed reductions of 22% of zinc loading in both Watersheds combined, a fraction of what a fulsome approach to regulating all CII facilities would</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Additionally, this comment pertains to U.S. EPA’s final residual designation and is outside the scope of the action by the Los Angeles Water Board.</p>

Comment Number	Comment	Response
	<p>achieve, as requested by the RDA Petitions.</p> <p>The EPA must not leave smaller CII sites unregulated, in disregard of the RDA Petitions and in violation of the District Court order. We request that the Final Designation and Second Revised Draft Permit be updated to apply to all CII sites with at least five acres, regardless of impervious surface cover and regardless of whether the underlying land is privately-owned or publicly-owned. At minimum, as with privately-operated but publicly-owned sites, the EPA must commit to a specific timeline under its supposed “phased” approach regarding designations of smaller CII facilities below the selected five-acre impervious surface threshold in order to comply with the District Court order.</p>	
1.4	<p>We Support the Incorporation of Numeric Effluent Limitations in the CII Permit and the Initial Sampling Requirements for Permittees under any Compliance Option.</p> <p>We also appreciate the Regional Board’s inclusion of initial sampling requirements for all permittees under any Compliance Option selected. We believe having initial data to understand the reasonable potential for individual CII facilities to exceed water quality objectives will help validate the WQBELs incorporated into the CII Permit on an ongoing basis, and it will help identify other constituents of concern for attaining water quality objectives that may originate from CII facilities. To that end, we recommend that the Regional Board consider requiring similar initial sampling as outlined in Section 9 of the Second Revised Draft Permit every time the permit is re-issued, so that the Regional Board and the public may have an understanding of any changes in stormwater pollution from CII facilities over time.</p> <p>Continuing this periodic sampling will also allow for an assessment of the effectiveness of minimum Best management Practices (“BMPs”) specified in the CII Permit, at much less cost for permittees than requiring annual sampling. If CII facilities selecting Compliance Option 1 implement minimum BMPs effectively, periodic sampling could also help reduce their Funding Level for compliance agreements according to the formula outlined in Section 8.1, which contains an adjustment for pollutant level factor that appears to be based on the initial sampling done.</p>	<p>Comment acknowledged. The Los Angeles Water Board appreciates the expressed support for the numeric effluent limitations and the initial sampling requirements.</p> <p>The Los Angeles Water Board will reevaluate the initial sampling requirement during the development of a future CII Permit. At this time, all Dischargers are required to conduct initial sampling prior to selecting a compliance option. Monitoring of the pollutants identified in Section 2.1 of Attachment E will provide valuable current and site-specific data to support establishing additional effluent limitations, if warranted.</p>

<p>1.5</p>	<p>The Regional Board Should Reincorporate Receiving Water Limitations as a Backstop to Protect Water Quality.</p> <p>We anticipate that the Regional Board may have removed these provisions in light of the U.S. Supreme Court’s somewhat recent ruling in <i>City and County of San Francisco v. EPA</i>, 604 U.S. 334(2025), where the Court held that “end result” requirements are improper effluent limitations under the Clean Water Act. We appreciate that the Regional Board revised its language in the fact sheet accompanying the Second Revised Draft Permit to acknowledge the need to adopt “any more stringent limitation[s]” necessary to meet water quality standards, above and beyond base level technology-based effluent limitations. Indeed, the initial sampling requirements for all permittees discussed above is a suitable mechanism to collect the necessary information to begin setting end-of-pipe effluent limitations for other pollutants not already included in the CII Permit, consistent with the Supreme Court’s direction to convert “end result” limitations into end-of-pipe effluent limitations based on available scientific information.</p> <p>Nevertheless, removing any and all receiving water limitations threatens to impede state law enforcement of the CII Permit for permittees that end up discharging unauthorized pollutants in harmful amounts. One stark example of this happening in the very watersheds covered by the CII Permit is the Prologis incident in the fall of 2021, where a warehouse in Carson caught fire and discharged significant quantities of alcohol-based products into the Dominguez Channel, causing a noxious odor outbreak and leading to a public health crisis in environmental justice communities. While the Regional Board eventually initiated an enforcement action against the responsible parties, asserting Water Code violations based on the failure to enroll in the IGP, future similar incidents may occur at facilities enrolled in the CII Permit. If the CII Permit is the only permit available for those facilities, then the Regional Board may not have sufficient authority to enforce receiving water limitations under the Water Code, unless those receiving water limitations are incorporated into the CII Permit.</p> <p>Further, the Supreme Court’s decision was not sufficiently broad to warrant the removal of all three receiving water limitations identified above. The Court did not affirmatively rule that <i>all</i> provisions related to meeting receiving water quality objectives are impermissible, only those that apply an “end result” requirement out of the discharger’s control. The Court did not directly address the validity of provisions prohibiting discharges that cause or contribute to a nuisance, or those that are toxic to marine life. And even if “end result” provisions ultimately are not enforceable under the federal Clean Water Act, the Supreme Court’s decision said</p>	<p>The revised draft CII Permit removes generalized receiving water limitations contained in previous drafts to address the U.S. Supreme Court’s decision in <i>City and County of San Francisco, California v. Environmental Protection Agency</i> (2025) 145 S.Ct. 704 (CCSF). CCSF held that NPDES permits issued by the U.S. EPA may not include end-result requirements, which are provisions that do not spell out what a permittee must do or refrain from doing; rather, they make a permittee responsible for the quality of the water in the body of water into which the permittee discharges pollutants. These include the three discharge prohibitions that were in section 4.4, 4.5, and 4.6 of the previous tentative CII permit.</p> <p>Staff have reviewed the remaining permit requirements and have determined that the discharge satisfies the requirements of Clean Water Act section 301(b)(1)(C) (33 U.S.C. § 1311(b)(1)(C)) and that the requirements meet all applicable water quality standards. In addition, Los Angeles Water Board staff have conducted an independent reasonable potential analysis and included initial sampling requirements to obtain additional water quality data to establish additional effluent limitations as necessary as an additional backstop to ensure water quality is protected.</p> <p>Furthermore, the CII Permit contains reopener provisions that allow for the incorporation of more stringent effluent limitations and/or discharge prohibitions, as well as the inclusion of pollutant-specific effluent limitations or other requirements as appropriate. The existing permit requirements, together with the addition of effluent limitations (if necessary, following the additional monitoring described above) ensure that the discharge satisfies the requirements of Clean Water Act section 301(b)(1)(C) (33 U.S.C. § 1311(b)(1)(C)) and that all water quality objectives are met.</p>
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Comment Number	Comment	Response
	nothing about the ability to enforce similar provisions under state law. For these reasons, the Regional Board should ensure the maximum degree of clean water protection and backstop enforceability by reinserting the deleted receiving water limitation provisions.	
1.6	Moreover, the State Water Board’s precedential decisions direct the Water Boards to require compliance with water quality standards through incorporation of receiving water limitations provisions consistent with State Water Board Order WQ 99-05. <i>City and County of San Francisco v. EPA</i> did not interpret Clean Water Act section 402(p) or apply its decision to NPDES permits for stormwater discharges, and states may include such other provisions as determined appropriate for the control of pollution from MS4s (33 U.S.C. § 1342(p)) and include more stringent requirements than the federal Clean Water Act (33 U.S.C. § 1370). Additionally, multiple State Water Board precedential orders require inclusion of receiving water limitations and provisions incorporating an iterative approach to implementing water quality standards for stormwater permits. Therefore, the Second Revised Draft Permit should retain receiving water limitations consistent with State Water Board Order WQ 2015-0075 and prior precedent.	See response to comment 1.5, supra. Moreover, this Order does not cover municipal stormwater discharges, nor is this Order implemented under Clean Water Act section 402(p).
1.7	Relatedly, we do not understand the reason for the Regional Board to remove several receiving waters from coverage under the CII Permit. Specifically, all references to the Long Beach Outer Harbor, Los Angeles Harbor Water, and Fish Harbor seem to have been deleted throughout the entirety of the Second Revised Draft Permit, while additional effluent limits for the Dominguez Channel Estuary, and Los Angeles Harbor – Consolidated Slip were deleted from Section 7.2. The Regional Board’s responses to comments do not indicate why these changes were made. We request that the Regional Board explain the reasons for the changes to the receiving waters in Section 7.2 and the removal of the outer harbor waters from the scope of the CII Permit, and we request that those WQBELs be reincorporated into the CII Permit to the extent appropriate.	Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. The referenced changes were explained in the response to comments and notice of revised draft CII Permit released on August 25, 2025. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments.

Comment Number	Comment	Response
1.8	<p>The Regional Board Should Strengthen Oversight over Compliance Option 1 Funding Agreements to Ensure Adequate Funding Levels and Prevent Pollution Hotspots.</p> <p>At the same time, for Compliance Option 1 to work effectively, close oversight is needed. We recognize the Regional Board may have limited resources available for this purpose, and as we have commented previously, we believe public transparency over Compliance Option 1 agreements will serve to provide the public with a meaningful oversight role as well, to reduce the administrative burden placed on the agency. We still have three main concerns about the ability to oversee Compliance Option 1 agreements.</p> <p>First, it is still unclear to what degree the Regional Board may revise or invalidate an agreement between a permittee and a WMG for providing insufficient funding as required by Section 8.1. The language in the Second Revised Draft Permit seems to assume that WMGs will be incentivized to get the appropriate amount of funding from individual CII facilities, in order to accumulate sufficient funding to develop regional stormwater projects. While that is likely true for WMGs and most municipalities running WMGs, our organizations have seen in practice that many local governments are business-friendly and do not wish to impose additional obligations or costs on businesses in their territories. As a result, some municipal governments may be motivated to collect less funding under Compliance Option 1, even if that means there is less funding available for regional projects, thereby delaying attainment of the water quality improvements contemplated under the CII Permit. The Regional Board should make clear in the final CII Permit that it maintains the ability to reject Compliance Option 1 agreements that do not comply with Section 8.1 or otherwise are insufficient to ensure that a permittee is fairly contributing to water quality improvements.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
1.9	<p>Second, we maintain the same concerns we have previously articulated about the potential for pollution hotspots, as a result of permittees contributing funding to upstream compliance projects that do not capture that permittee’s polluted stormwater. We appreciate the Regional Board’s inclusion of initial stormwater sampling for all permittees and a pollutant level factor based on each individual permittee’s pollutant contributions identified in the sampling. This mechanism will help identify facilities of greatest concern and allow for more scrutiny about the implementation of minimum BMPs onsite, which will mitigate hotspot concerns for any permittees selecting Compliance Option 1. However, we still do not understand how Section 8.1’s requirement to provide funding for downstream projects, when available, will be enforced by the Regional Board. It is unclear who will be making the determination of when “there is no existing or planned downstream regional project” for a specific permittee, or what will happen if the Regional Board or members of the public disagree with that determination. The Regional Board should clarify in Section 8.1 how the downstream project identification process will occur, what authority the Regional Board has to enforce that process, and what information should be included in Compliance Option 1 agreements spelling out the efforts undertaken to locate a downstream project, to the extent one is not identified.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
1.10	<p>Finally, we understand that the Regional Board has decided not to develop its own templates for funding agreements between municipalities and CII permittees under Compliance Option 1, because the municipalities receiving the funding are in the best position to spend resources to develop template agreements that work for them. While we agree with this proposition, we reiterate our concerns about the possible lack of public transparency about these agreements. As discussed above, oversight of these agreements is essential, from both Regional Board staff and the public at large. We request that the Regional Board ensure that any template agreements for Compliance Option 1 developed by municipalities are posted on the Regional Board’s website for public review, and updated periodically if changes are made to the templates. Even if signed agreements will eventually be uploaded to the SMARTS database, allowing the public the opportunity to review the template agreements can help identify any potential issues across all agreements, such as whether the calculations of the funding level for permittees accurately reflects the requirements of the CII Permit.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
1.11	<p>The Regional Board Should Reduce the Timeframe for Permittees to Submit Permit Registration Documents from Three Years after the Effective Date to Two Years.</p> <p>In our comments on the first draft CII Permit, we had recommended shortening the one-year timeline to submit Permit Registration Documents for Compliance Option 1, but ultimately after conferring with Regional Board staff and reviewing responses to those comments, we appreciated the need to preserve the one-year timeline to allow WMGs sufficient time to develop agreement templates and enter agreements with the hundreds of permittees that may choose to pursue Compliance Option 1. That understanding, however, does not translate into approval of extending the Permit Registration Documents timeline from one to two years. One year is more than enough for Compliance Option 1 permittees to negotiate a template-based agreement with WMGs, especially as Regional Board staff noted that providing adequate guidance for Compliance Option 1 in the CII Permit will “ensure the process will be straight-forward, transparent and will not require extensive negotiations.” We fail to see how a permittee would need two years to fill out a funding agreement template prepared by a WMG and upload the agreement to SMARTS.</p> <p>We urge the Regional Board to revert the changes made to Section 3.4.1 of the Second Revised Draft Permit and return to a two-year deadline after the effective date for permittees to submit Compliance Option Documents—in other words, two years to submit compliance documents after the effective date of the CII Permit. This permit has been delayed long enough after the petition process started in 2015, the District Court order was issued in 2018, and the first draft CII Permit publicly released in 2022. Giving permittees potentially until 2028 to start complying with the CII Permit is an unnecessary delay in water quality improvements in two of our region’s most polluted waterways.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
2.1	<p>Section 8.1. Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project(s)</p> <p>We recommend the inclusion of “(s)” as well as “, or category of projects,” in multiple locations when describing the agreement between the WMG and CII permittees.</p>	<p>Thank you for your comment. The proposed change to include “(s)” when describing regional projects throughout the permit has been made as a minor typographical correction. However, the request to add “or category of projects,” does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments.</p>
2.2	<p>Section 8.1. Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project(s)</p> <p>For maximum flexibility, we recommend the addition of “or member(s) of Local Watershed Management Group” to allow CII permittees to enter into agreements with individual members of the WMG as well as the WMG and its fiduciary agent.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments.</p>
2.3	<p>Section 9.1.1.</p> <p>We recommend the inclusion of “(s)” when describing the regional projects.</p>	<p>This change has been made in the CII Permit.</p>
2.4	<p>Section 9.1.2.</p> <p>We recommend the inclusion of “(s)” when describing the regional projects.</p>	<p>This change has been made in the CII Permit.</p>
2.5	<p>Section 3.12.4.1.3 FACT SHEET</p> <p>We recommend the inclusion of “the multi-benefit regional project(s)” instead of “a multi-benefit regional project”.</p>	<p>This change has been made in the CII Permit.</p>
2.6	<p>Section 3.12.4.1.3 FACT SHEET</p> <p>We recommend the inclusion of “(s) is/are” when describing regional projects.</p>	<p>This change has been made in the CII Permit.</p>

Comment Number	Comment	Response
3.1	<p>While I appreciate the efforts by the Regional Water Board to work with USEPA to develop this complex permit to implement the court-ordered residual designation, I believe that more work is still needed to improve the permit since it is precedential and will impact other watersheds throughout the Region and the State. During the public review period LCC Watershed Group representatives have been approached by representatives of potential future industrial Permittees with questions on how to work with the Watershed Group to comply with the Permit using Option 1, the off-site compliance approach through which facilities will be able to partner with local watershed management groups such as ours to help fund large regional projects and systems of projects for stormwater capture, treatment, and reuse.</p> <p>I believe that most facilities subject to the new CII Permit will opt for Option 1. This will necessitate a considerable amount of coordination on the part of Watershed Groups and their member municipalities to work with the CII facilities in their jurisdictions to create the agreements needed to move forward with this option. There also will be significant preliminary work needed to determine the most efficient and effective ways for permitted facilities to collaborate with Watershed Group members as outlined in the compliance option. Based on the issues raised by the potential Permittees and the members of the Watershed Group, I request that the Hearing for November 20, 2025 be converted to a Board Workshop and the Hearing be rescheduled for after the State Water Board addresses the biotic ligand model objectives for copper and zinc, which is anticipated to be in early 2026.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
3.2	<p>One of the more controversial elements of the new Draft of the CII Permit is the initial monitoring requirement described in Section 2.1 of Attachment E, the Monitoring and Reporting Program. This section contains a list of water quality parameters that must be sampled and analyzed before selecting a compliance option to “evaluate reasonable potential to cause or contribute to an exceedance of water quality objectives.” Most of the pollutants are also contained in Tables 1, 2, and 3 in Section 7 of the Permit, along with other applicable parameters appropriate to specific watersheds. Compliance with the limitations is to be determined pursuant to one of the three compliance options described in Section 8 of the Order. Further, the list in Section 7.2.1 applies to all Commercial, Industrial & Institutional Permittees regardless of the likely discharges from a given facility category. This should be modified due to the variety of facilities that will be represented by Permit.</p> <p>One alternative to the proposed initial monitoring requirement would be to develop an Assessment of Potential Pollutant Sources requirement for inclusion in the Stormwater Pollution Prevention Plans (SWPPPs) for each of the categories of potential permittees (commercial, industrial, and institutional) based on Section X.G.2 of the Industrial General Permit (IGP). This assessment would be due in one (1) year when the Notices of Intent and SWPPPs are due. Developing such a program should not be too difficult and would be consistent with other portions of Section 6 of the Draft Permit that are modified versions of material from the IGP.</p>	<p>The Los Angeles Water Board has incorporated initial sampling requirements into the tentative revised CII Permit because there is currently insufficient site-specific information to determine whether discharges from individual CII Facilities have the reasonable potential to cause or contribute to exceedances of applicable water quality objectives.</p> <p>As discussed in Section 4.10 of the Fact Sheet, existing information indicates that CII Facilities are potential sources of several listed water quality parameters. Additional monitoring is therefore necessary to further characterize these parameters and their associated pollutant loadings. The data obtained from the initial sampling will enable the Los Angeles Water Board to conduct a future reasonable potential analysis and establish additional effluent limitations, as warranted.</p> <p>Accordingly, this Order requires monitoring for biochemical oxygen demand (BOD), biostimulatory substances, oil and grease, temperature, pesticides, pH, polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), ammonia, total residual chlorine, Methylene Blue Activated Substances (MBAS), total suspended solids (TSS), toxicity, and metals, as specified in section 2.1 of the Monitoring and Reporting Program (MRP). Among these parameters, there is a minor overlap with those identified in Tables 1, 2, and 3 of Section 7 of the CII Permit, especially pesticides, pH, ammonia, PAHs, and PCBs.</p> <p>The initial monitoring requirement is an integral component of the CII Permit, designed to obtain representative, site-specific water quality data necessary for future regulatory evaluations. This level of information, which will be gathered for newly regulated sites in a new permit, could not be obtained through a qualitative assessment of potential pollutant sources in a SWPPP.</p>

Comment Number	Comment	Response
3.3	<p>A second controversial issue is the question of the definition of Discharger. The definition in Attachment A of the Permit defines the Discharger as “either the owner or operator of the CII site, whoever has the authority and operational control to comply with all conditions of this General Permit, including preparing and implementing the SWPPP, and either, (1) entering into a legally binding agreement with a local Watershed Management Group, (2) operating and maintaining stormwater controls to address the volume of runoff produced by the 85th percentile, 24-hour storm event, or (3) implementing monitoring and reporting requirements and stormwater controls to directly demonstrate compliance with water quality-based effluent limitations. The owner is the owner of the parcel subject to the General Permit. The operator is the lessee of the parcel subject to this General Permit.</p> <p>1) When a parcel is leased to multiple lessees, the owner of the parcel shall serve as the Discharger.</p> <p>2) Where multiple qualifying parcels owned by different entities form a common development, the owner and/or operator of each parcel that is subject to the General Permit must obtain separate permit coverage.”</p> <p>Except for subpart (1) this definition will likely lead to confusion, delays, and possible litigation. In all other cases, there could be disagreements concerning which party should obtain permit coverage. Such disagreements could lead to confusion about which option to select by owners and operators, as well as refusals by Watershed Groups to enter into agreements. My personal experience with implementation of the initial General Construction Permit leads me to believe that the logical answer is for the owner to be defined as the Discharger and the Owner and Operator each to be given directions on what would need to be covered in a lease agreement or an amendment to an existing lease agreement. Even if it requires a little time up front to resolve this issue, clarifying this vague definition of “Discharger” will save time and litigation in the long run.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
3.4	<p>Another critical issue with this draft of the Permit is that it maintains the preference for Option 1 funding to be for a downstream project. In the Los Cerritos Channel, we have already constructed four (4) water capture projects and have two (2) more that are almost ready for construction. Further, we have four (4) additional projects in various stages of funding, design, and construction through the County’s Safe, Clean Water Program as well as many other proposed and potential projects. Several of these projects are in the north, central, and south-central portions of the Watershed. Most of these projects have been designed or will be designed to work together with other projects downstream to maximize the 24-hour capacity and effectiveness of our capture systems. Therefore, I urge the Board to eliminate the distinction between upstream and downstream projects. I also urge the Board to consistently clarify that funding can be used for design, construction, operation & maintenance, and reconstruction of projects. In the LCC Watershed Group we are periodically discovering the need to modify existing projects to improve their effectiveness and safety for maintenance personnel.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
3.5	<p>Additional Recommendations</p> <p>More details should be added to the explanation of Option 1 in the Permit for clarity and specificity. It seems likely that most facilities subject to the new CII Permit will chose this Option since it appears more feasible and cost-effective than Options 2 and 3.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
3.6	<p>To improve the consistency in implementation of Option 1, the Regional Water Board should work with representatives of the two (2) Watershed Groups to develop separate model agreement templates for commercial permittees, industrial permittees, and institutional permittees since the three permittees groups are likely to differ substantially in their needs.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
3.7	Options 2 and 3 should be revised to make them more flexible alternatives to reduce the pressure on Watershed Groups to enter into agreements with Permittees.	Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
3.8	Section 3.5 of the CII Permit should be revised to specify that dischargers may also request termination of coverage if a change in water quality standards results in a receiving water no longer being in violation of copper, zinc, and/or bacteria water quality standards.	Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments.
3.9	The Permit should acknowledge that SB 346 (the Brake Pad bill) is currently being implemented and provided for a copper content for most vehicle brake pads of 0.5% copper or less by January 1, 2025. Therefore, copper reductions are anticipated to continue.	Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
3.10	The Permit should acknowledge that the California Stormwater Quality Association (CASQA) submitted a petition to the California Department of Toxic Substances Control (DTSC) to regulate zinc in tires, and that DTSC had planned to act on the petition in 2023 but was delayed by addressing 6PPD-quinone. DTSC is now moving forward on regulation of zinc in tires.	The Los Angeles Water Board acknowledges and supports the efforts of other agencies in adopting regulatory measures aimed at controlling pollution sources and improving water quality in impaired waterbodies statewide. Such measures play an important role in achieving the State's overall water quality objectives. However, the Fact Sheet is focused on providing a clear explanation of the rationale and requirements specific to the CII Permit as they apply to CII Facilities within the two designated watersheds.

Comment Number	Comment	Response
3.11	<p>The Regional Water Board should commit to two (2) years of experience with implementation of the CII Permit before similar permits are adopted for other watersheds. The Regional Board should also ask the State Board to defer any proposed statewide CII Permit for five (5) years to allow watersheds in Los Angeles County to gain experience with the Permit and provide any lessons learned during the first five (5) years of CII Permit implementation.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
4.1	<p>The EPA’s Final Designation of Stormwater Discharges from Certain Commercial, Industrial, and Institutional Sites in the Alamitos Bay/Los Cerritos Channel Watershed and the Dominguez Channel and Los Angeles/Long Beach Inner Harbor Watershed in Los Angeles County (dated November 11, 2024) includes a statement that “EPA is not, at this time, including privately operated, publicly owned CII sources located at the Ports of Long Beach and Los Angeles...”</p> <p>The Port is requesting that clarifying language be included within the body of the CII Permit or within the Fact Sheet (Attachment F) to ensure this specific EPA designation is referenced and that the private landowners of applicable CII sites within the Port understand they are required to implement the CII Permit.</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
5.1	<p>The Sanitation Districts recognize and appreciate the efforts of the staff of the Regional Board to seek stakeholder input on various elements of the Revised Tentative CII Permit. However, the Sanitation Districts seek clarification within the Fact Sheet that the Revised Tentative CII Permit is not applicable to a public agency, even as a passive landowner, based on the definition of the CII Site as privately owned (on page A-6).</p>	<p>Thank you for your comment. However, your submission does not address the additional changes identified as open for written comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

6.1

PART 1: UNIVERSAL STATEWIDE COMMENTS

Our comments in this section address potential application of this permit beyond the two watersheds subject to the Revised Tentative CII Permit. We also note, however, that there still appears to be a lack of consensus within the two watersheds on how best to structure Compliance Option 1. With the permit being issued at a watershed scale, there are many unique factors that apply to specific entities. Therefore, our comments are not intended as recommendations for the current permit, but to the extent they are helpful in navigating remaining structural challenges in the Revised Tentative CII Permit, CASQA is available as a resource to support the business community, the Los Angeles Regional Water Quality Board, and local municipalities.

Based on discussions with the stormwater community, CASQA understands that Compliance Options 2 and 3 pose significant technical and resource challenges for many prospective CII permittees. These challenges include the need to develop additional onsite infrastructure to reuse or divert stormwater, or to install and operate treatment systems to comply with water quality-based effluent limitations (WQBELs). Given these constraints, Compliance Option 1 appears to be the most practicable compliance pathway under the Revised Tentative CII Permit.

Compliance Option 1 promotes stormwater capture, which CASQA supports. However, as structured in the Revised Tentative CII Permit, Compliance Option 1 requires CII permittees to enter into an agreement with local municipalities to fund downstream regional projects, thereby requiring local municipalities to enter into legally binding agreements with each regulated facility.

If replicated at a statewide level, this framework creates several practical challenges:

- Municipalities would need to negotiate, track, and modify memoranda of agreements (MOAs), inclusive of property ownership changes.
- Municipalities would be placed in an intermediary role between the Water Boards and the business community.
- Municipalities would assume responsibility for determining compliance pathways and fee structures - responsibilities that should remain with the Water Board.

Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.

Comment Number	Comment	Response
	<p>At a statewide scale, replication of this approach would:</p> <ul style="list-style-type: none"> • Require small communities with limited capacity to create new legal entities or joint powers authorities to administer programs. • Limit the ability of local communities to enact broader stormwater fees, which under Proposition 218 generally require approval by parcel owners. When parcel owners are already obligated to fund infrastructure for CII permit compliance, they are less likely to support additional stormwater fees. This creates a significant loss for communities, as local stormwater fees typically apply to all parcels – not just CII facilities – and can fund a broader range of stormwater programs and services beyond those covered by the permit. <p>For these reasons, CASQA finds the proposed approach not scalable or sustainable for implementation outside of the watersheds proposed in the Revised Tentative CII Permit, including at a statewide level.</p>	

Comment Number	Comment	Response
6.2	<p>CASQA Recommendation:</p> <ul style="list-style-type: none"> • Before modeling any other permit on the Revised Tentative CII Permit, evaluate alternative frameworks (such as a mitigation fund approach) that avoid the need for cities and counties to: <ul style="list-style-type: none"> ○ Negotiate, track, and amend MOAs, inclusive of property ownership changes. ○ Serve as an intermediary between the Water Boards and the business community. ○ Determine compliance pathways and fee structures – responsibilities that should remain with ○ the Water Board. • Evaluate potential impacts on local stormwater fees, where businesses required to fund projects to comply with CII regulations would be much less likely to vote in favor of a local stormwater fee. • Allow these watershed permits to serve as a pilot permit for several years, providing the necessary time to evaluate effectiveness and impacts, before expanding to other areas of California 	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

6.3

PART 2: IMPLICATIONS OF THE *CITY AND COUNTY OF SAN FRANCISCO V. EPA DECISION*

CASQA is concerned that these monitoring requirements and associated RPA process may set a precedent for future stormwater permit renewals such as the IGP without undergoing extension discussion statewide. Notably, the state’s Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, which sets forth the RPA process for non-stormwater NPDES permittees, was subject to extensive statewide discussion and public review and comment over multiple years before being adopted in 2005. While CASQA is not advocating for a statewide RPA process that applies to stormwater, we are concerned that inclusion of the one here in the Revised Tentative CII Permit may inadvertently establish a precedential standard without having any statewide discussion on its implications. Thus, before automatically moving forward with numeric WQBELs and a novel RPA, CASQA recommends that there be engaged discussion and dialogue on a statewide level.

Moreover, on behalf of its MS4 members, CASQA is concerned that the Revised Tentative CII Permit may inadvertently shift liability from CII facilities covered by the Revised Tentative CII Permit to the MS4s that operate the stormwater systems to which CII facilities discharge. This shift in liability occurs largely because the Phase 1 MS4 RWL Interim Guidance continues to impose receiving water limitations on Phase 1 MS4s while CII facilities under the permit may select Compliance Option 1, which is compliance through a funding agreement based on some undefined pollutant level factor. Although CASQA is not taking a direct position on the compliance options within the Revised Tentative CII Permit, CASQA is concerned that Compliance Option 1 further illustrates how the Revised Tentative CII Permit is premature. Specifically, Compliance Option 1 provides CII permittees with a streamlined pathway for meeting permit requirements, including WQBELs, through a funding agreement. Conversely, regardless of the funding agreement in place with CII permittees, municipal permittees will still be subject to receiving water limits. This leaves Phase 1 MS4 permittees vulnerable to violations of receiving water limitations for stormwater discharges from others for which the MS4 permittees have no control or legal recourse because they are now subject to a state adopted General NPDES permit.

Accordingly, the Revised Tentative CII Permit addresses the implications of the *City and County of S.F.* case in a manner that may have far-reaching impacts beyond the CII facilities in these two limited watersheds.

The Los Angeles Water Board has conducted a reasonable potential analysis and incorporated initial sampling requirements to obtain additional water quality data to establish additional effluent limitations, as necessary, specific to the affected CII Facilities, waterbodies, and pollutants in these watersheds. Based on this analysis, adoption of the CII Permit will not be delayed pending broader, statewide stakeholder engagement processes concerning the application of the *CCSF* decision to this new Permit. The action of a regional board does not establish a statewide precedent. Other regions or the State Water Board may refer to this CII Permit, and may use lessons learned from this CII Permit, which is limited to the Los Cerritos Channel and Dominguez Channel/Inner Los Angeles and Long Beach Harbor watersheds, but they are not required to follow its approach.

Neither the proposed CII Permit nor the removal of its receiving water discharge prohibitions shift liability from CII Facilities to MS4 permittees. Rather, MS4 permittees are subject to different statutory requirements and precedential State Water Board orders. MS4 permits are implemented under Clean Water Act section 402(p) and are subject to State Water Board Orders WQ 99-05 or WQ-2015-0075 . In contrast, CII Facilities are subject to Clean Water Act section 301(b)(1)(C) and the U.S. Supreme Court decision limiting end-result requirements.

Furthermore, the choice of Compliance Option 1 and execution of an agreement with a WMG to fund a regional MS4 project only affects the compliance status of a CII facility with this proposed CII Permit. The selection of Compliance Option 1 has no bearing on the MS4 permittees’ ability to address violations of receiving water limitations by pursuing stormwater discharges from others to the MS4.

Comment Number	Comment	Response
	<p>CASQA Recommendation:</p> <ul style="list-style-type: none"> • Delay adoption of the Revised Tentative CII Permit until there are broader, statewide stakeholder engagement processes to discuss implementation of the <i>City and County of S.F.</i> case in stormwater. 	
7.1	<p>Broader Implications of the Permit</p> <p>Accordingly, CCEEB strongly urges the LA Regional Board to proactively engage with the State Water Board to align technical and policy provisions in the draft CII Permit with a future statewide DII Permit. This engagement should take place after reviewing submitted comments and prior to final adoption to ensure consistency and continuity with other regulatory programs, including the Industrial General Permit (“IGP”), individual NPDES permits, and any future statewide CII Permit.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
7.2	<p>CII Discharges Definition</p> <p>CCEEB continues to express concern with the current definition of “CII Discharges,” which emphasizes privately owned parcels or contiguous parcels. The definition does not account for multi-parcel campuses divided by easements or rights-of-way. It remains unclear who is responsible for compliance in these cases, particularly when infrastructure such as pipelines cross property boundaries or involve third-party ownership.</p> <p>We urge the Board to clarify whether the parcel owner or the site operator holds compliance responsibility, especially in cases where land is used by another entity via easements or rights-of-way. CCEEB recommends the draft CII Permit provide flexibility for parcel owners and operators to designate responsibility in agreements.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.3	<p>Definition of “Discharge”</p> <p>Similarly, the definition of “discharge” needs clarification regarding whether compliance obligations fall on the parcel owner or the operator (such as a lessee). This ambiguity may lead to enforcement uncertainty and inconsistent application.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
7.4	<p>Impervious Surfaces and Gravel Roads</p> <p>Although the Permit’s definitions of "Impervious Surface" and “Imperviousness” have improved, they continue to include compacted gravel roads. While the changes to the definition attempt to clarify that compacted gravel roads that <i>inhibit</i> percolation are deemed impervious, it remains unclear what extent of constraint from percolation deems it impervious. Is there a particular rate of percolation or percent reduction in infiltration that is the determining factor? Ultimately, compacted gravel surfaces can vary widely in permeability and percolation timelines but, in most cases, promote infiltration and reduce erosion. These surfaces are commonly used in conjunction with stormwater best management practices (BMP), as documented by the California Stormwater Quality Association (CASQA) and other credible sources.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.5	<p>Including such surfaces in the definition of "impervious" could have several unintended consequences for the two designated watersheds and set problematic precedent for future consideration of imperviousness:</p> <ul style="list-style-type: none"> • <u>Inclusion of firebreaks</u>: Fire codes require cleared or graveled areas for wildfire protection. These should not be categorized as impervious areas under the draft CII Permit. • <u>Unintended coverage of trails and seldom-used roads</u>: Rural areas with unpaved roads (e.g., farms, nurseries, emergency access roads) may be unnecessarily brought under Permit scope. • <u>Conflict with BMP guidance</u>: Gravel is widely accepted as a BMP for erosion control and infiltration, yet the Permit renders gravel a regulatory burden. <p>We strongly recommend removing "gravel roads" and "compacted soil" from the definition of impervious surfaces or, at a minimum, providing clearer criteria for what constitutes "impervious" in these contexts.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.6	<p data-bbox="311 180 755 212">Easements and Rights-of-Way</p> <p data-bbox="311 253 1596 440">The Permit should exclude from its scope any land covered by easements or rights-of-way where the lessee does not control those portions of CII Site. Easements serve diverse purposes (e.g., utility access, pipelines, nonprofit-managed trails) and differ fundamentally from parcels owned and operated by a private entity. Questions that require clarification include:</p> <ul data-bbox="365 488 1615 594" style="list-style-type: none"> <li data-bbox="365 488 1615 553">• Is the landowner required to obtain a draft CII Permit even if another party utilizes the land use via easement? <li data-bbox="365 561 1400 594">• Will land use codes or actual use govern draft CII Permit applicability? <p data-bbox="311 643 1623 862">To prevent confusion and overreach, CCEEB recommends that only land directly owned and under the control of the permittee be included under the draft CII Permit. Easements and rights-of-way for utilities, pipelines, and railways should be expressly exempt from Permit coverage for purposes of determining whether a site meets the impervious surface threshold requiring permit coverage and associated compliance obligations for CII Sites covered by the draft CII Permit.</p>	<p data-bbox="1655 180 2569 464">Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
7.7	<p data-bbox="298 927 540 959">Permit Coverage</p> <p data-bbox="298 1000 1602 1243">As a general matter, it remains unclear who will ultimately determine, much less notify, what parcels and associated entities are in scope for compliance obligations under the draft CII Permit. If a parcel is located on the border of one of the designated watersheds, who will determine whether it has compliance obligations? Will such parties be notified by the Regional Board regarding compliance obligations? Where there is ambiguity as to whether the owner or operator of the CII site, upon whom would the onus rest for obtaining coverage under the draft CII Permit?</p>	<p data-bbox="1655 927 2569 1211">Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.8	<p>CCEEB supports the revision extending the timeline from two to three years for submittal of compliance option documentation. This additional time is crucial for dischargers to evaluate the best compliance pathway and prepare associated designs, permits, or offsite agreements.</p> <p>We also appreciate the clarification in Section 3.1.4 of the Revised Tentative CII Permit, which states that facilities with individual NPDES permits that meet or exceed the requirements of the CII Permit are exempt from obtaining additional coverage under this Permit. That said, it remains unclear who determines whether an individual NPDES permit is “as stringent as” the draft CII Permit since the requirements in the Revised Tentative CII Permit and the individual NPDES permits may not necessarily align (i.e. different reporting year timeframe, sampling timeframes, and reporting platforms). CCEEB requests that additional clarity be provided on who makes such a determination and the full range of relevant factors that must be contemplated to be considered “as stringent as” the draft CII Permit. CCEEB recommends that such equivalency evaluation be performed at the time of the individual NPDES permit renewal. This approach would avoid duplicative permit coverage and prevent conflicting stormwater management requirements. Additionally, this would avoid duplicative oversight burdens to separate Sections and Permitting Units at the Regional Board.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
7.9	<p>Trash Capture Systems</p> <p>We urge the Board to revise the trash capture provisions to align with the Statewide Trash Provisions. Under those provisions, compliance is achieved by selecting a device from the certified list and installing it per design criteria. Requiring additional certification steps contradicts this established process and imposes unnecessary regulatory burdens. Ultimately, CCEEB recommends removing references to specific certified devices in the draft CII Permit, given that the list may change over time and is maintained under a separate process. Further, CCEEB supports flexibility of using any lawful means to achieve compliance, including administrative controls, such as increased cleaning to achieve compliance.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.10	<p data-bbox="298 191 1016 224">Option 1: Watershed Management Group Projects</p> <p data-bbox="298 282 1628 602">The draft CII Permit only allows off-site projects under Option 1 to those developed/funded by Watershed Management Groups (WMGs). Constraining the projects under Option 1 to those funded by WMGs needlessly restricts available projects and precludes opportunities for them to be developed by other entities (municipalities, nonprofit organizations, private developers, etc.). In the interest of expanding potential opportunities for CII Sites to achieve compliance under Option 1 through innovative offsite projects that may allow for lower cost compliance and provide additional water quality benefits, we urge the LA Regional Board to modify the draft CII Permit such that off-site projects can be developed by other types of entities in addition to WMGs.</p>	<p data-bbox="1655 175 2583 461">Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.11	<p>While some CII entities may prefer Compliance Option 1, the lack of clarity on funding formulas and implementation processes remains a serious concern. In particular:</p> <ul style="list-style-type: none"> • The "pollutant level factor" used to calculate fees remains vague and undefined. It is crucial that this term be well-defined in Attachment A and/or Section 8.1 of the draft CII Permit; • There is insufficient transparency regarding cost-sharing with municipalities; and • The Watershed Management Groups (WMGs) have not provided dischargers with sufficient information to make informed decisions, despite CCEEB and its colleague organizations' efforts to engage with them over the past two years to further understand the approach they are contemplating. <p>We recommend:</p> <ul style="list-style-type: none"> • Clarifying the funding formula and pollutant factor definition, such as to structure fees in alignment with the portion of pollutant loading determined by U.S. EPA in its residual designation authority (RDA) process that is attributable to CII entities within the designated watersheds; • Prohibiting WMGs from shifting the burden of funding projects solely onto permittees if other funding sources are unavailable; and • Requiring a formal workgroup—including dischargers, WMGs, and LA Regional Board and State Water Board staff—to develop templates, agreements, cost estimates, and governance processes. 	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.12	<p>Unresolved questions included:</p> <ul style="list-style-type: none"> • Are WMGs legal entities capable of entering into binding agreements? Or will they have to go through a more formal process to establish themselves as a binding legal entity? • How will cost transparency and fiscal accountability be ensured? • When will comparative cost data for all compliance options be made available? • What accountability will be required of the WMGs to ensure they are utilizing resources brought to bear under Option 1 to improve water quality in the designated watersheds and avoid ongoing impairment? And to this issue, will permittees who take advantage of Option 1 be considered in compliance regardless of whether the WMG successfully mitigates the water quality impairments associated with the draft CII permit in the designated watersheds? <p>Absent this clarity, CCEEB recommends that the Permit not take effect until Compliance Option 1 implementation details are codified through more formal engagement, guidance and regulation.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.13	<p>Moreover, permittees opting to comply with the draft CII Permit through Compliance Option 1 should not be required to complete the extensive initial sampling, testing, and evaluation currently outlined in the draft Permit. These requirements impose substantial additional costs, which are in addition to the financial obligations tied to the Compliance Option itself and funding for the associated WMG. Since the WMG is the entity ultimately responsible under this Compliance Option, it is unclear why individual permittees should bear the burden of these costly and labor-intensive steps. Additionally, the U.S. EPA's RDA process has already identified the specific pollutants linked to CII sectors impacting water quality in these watersheds. Therefore, imposing further sampling, analysis, and BMP requirements adds unnecessary regulatory burden without clear justification.</p> <p>All of this said and at most, for facilities already subject to existing stormwater monitoring obligations under other statewide permits such as the IGP, where requirements are already included for sampling and analysis for a broad range of parameters, we recommend that the draft CII Permit allow facilities to rely on existing sampling data collected under the IGP or other applicable permits to satisfy the initial sampling and analysis requirement. This approach would streamline compliance, avoid redundancy, and maintain consistency across statewide regulatory programs. Additionally, the draft CII Permit should clarify that facilities may submit previously collected data as part of their Permit Registration Documents, provided the data is representative of current site conditions and collected in accordance with approved methods.</p>	<p>The initial sampling requirements are unrelated to the demonstration of compliance with the water-quality based effluent limitations, including Compliance Option 1. Instead, this monitoring has been incorporated into the tentative revised CII Permit to determine whether discharges from individual CII Facilities have the reasonable potential to cause or contribute to exceedances of applicable water quality objectives. As discussed in Section 4.10 of the Fact Sheet, existing information indicates that CII Facilities are potential sources of several listed water quality parameters. Additional monitoring is therefore necessary to further characterize these parameters and their associated pollutant loadings. The data obtained from the initial sampling will enable the Los Angeles Water Board to conduct a future reasonable potential analysis and establish additional effluent limitations, as warranted. This is a separate process with a separate purpose than demonstration of compliance with the existing effluent limitations, and CII permittees are therefore responsible for bearing the costs of this separate process.</p> <p>CII Facilities may submit previously collected data as part of their Permit Registration Documents, provided the data is representative of current site conditions on the portion of the CII Facilities that are subject to the CII Permit controls, and collected in accordance with approved methods.</p> <p>The Los Angeles Water Board considered the costs of monitoring pursuant to Water Code section 13383 and <i>In re City of Oceanside, Fallbrook Public Utilities Dist. and So. Cal. Alliance of Publicly Owned Treatment Works</i>, State Water Board Order WQ-2021-0005, and found them reasonable and necessary to gathering appropriate data needed to evaluate water quality and other impacts of the discharges and ensure that beneficial uses are protected. See section 4.10.1.2 of the Fact Sheet.</p>

Comment Number	Comment	Response
7.14	<p data-bbox="298 188 1185 220">Option 2: Facility-Specific Design Standards to Reduce Runoff</p> <p data-bbox="298 285 1615 902">The draft CII Permit should modify and clarify how flow-through stormwater controls can be used to comply with Option 2. Stormwater controls that wholly or partly rely on infiltration measures (including Bioretention measures) are not feasible in many areas due to poor infiltration rates and the sizing criteria in the draft CII Permit; in areas where infiltration measures are not feasible, flow-through stormwater controls may be an ideal option to comply with the draft CII Permit via Option 2. Although Option 2 focuses on on-site stormwater controls that infiltrate the design storm, the definitions section includes both Bioretention (which lacks an underdrain) and Biofiltration (which includes an underdrain) and imply that Biofiltration measures designed with 150% of the design volume provide stormwater control equivalent to that of a Bioretention measure designed to manage the design volume. Attachment I requires stormwater controls to be designed with a 24-hour drawdown time, or to provide additional storage to offset a longer drawdown time, which would render Bioretention sized for the 85th Percentile storm event infeasible for many sites. A more appropriate sizing criteria for flow-through stormwater controls would be a design based on flow rate. CCEEB recommends that Option 2 be revised to include a flow-based sizing criteria, such as the 0.2 inches per hour criteria included as an option in many Municipal Separate Storm Sewer System NPDES Permits.</p>	<p data-bbox="1655 180 2580 464">Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.15	<p>CCEEB is concerned that the requirement for dischargers to prove infiltrated stormwater will never cause exceedances of water quality standards sets an unreasonably high bar. This may discourage use of infiltration practices and shift reliance toward sanitary sewer discharge, if workable agreements with sewer agencies can be reached on fair terms. If requirements for infiltrated stormwater to meet MCLs is retained, CCEEB recommends that this requirement be limited to Primary MCLs (which are related to health and safety) and remove secondary MCLs (which are not health-driven, but rather related to cosmetic characteristics of drinking water) from Table I-1 and explicitly exclude secondary MCLs in other language referring to the limits on infiltrated water. The State Water Board is currently developing an Urban Infiltration Policy (that is potentially being expanded to include industrial infiltration) that will promulgate a risk-based approach to requirements for stormwater infiltration that consider both the risk related to the tributary drainage area and the receiving groundwater basin. In the interest of ensuring that the draft CII Permit conforms to that policy and establishing uniform requirements (including both the draft CII Permit and a potential future Statewide CII Permit), CCEEB urges the LA Regional Board to remove specific requirements regarding the quality of infiltrated stormwater and instead refer to the Urban Infiltration Policy.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

Comment Number	Comment	Response
7.16	<p data-bbox="298 191 1413 224">Option 3: Implement BMPs and Conduct Sampling to Meet Effluent Limitations</p> <p data-bbox="298 297 1615 581">CCEEB remains concerned that, while the LA Regional Board cites the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL as the basis for sediment sampling, its response to comments does not sufficiently address the practical compliance challenges originally raised. The response acknowledges that sediment sampling results may reflect contributions from neighboring facilities but places the burden on individual permittees to prove that exceedances are caused by off-site sources. Unlike the IGP, however, the draft CII Permit provides no guidance on how to make this demonstration or what standards the LA Regional Board will use to evaluate it.</p> <p data-bbox="298 605 1602 889">This approach is problematic. In densely urbanized, industrial watersheds, runoff from adjacent facilities is common and often indistinguishable at shared discharge points. Requiring individual facilities to disprove responsibility—without a clear evidentiary standard or procedural framework—creates uncertainty and heightens the risk of unwarranted enforcement. The LA Regional Board’s stated reliance on a case-by-case evaluation process further compounds this issue by introducing a lack of transparency and predictability, potentially resulting in inconsistent determinations for similarly situated facilities.</p> <p data-bbox="298 914 1602 1092">Additionally, the inclusion of sediment-based effluent limitations in the draft CII Permit assumes that sediment sampling can reliably isolate facility-specific contributions. This assumption does not hold true in drainage areas where multiple dischargers contribute to sediment loads. Without a defined mechanism to apportion responsibility, facilities may face liability for pollutants originating upstream or from neighboring sites.</p> <p data-bbox="298 1149 1623 1328">Accordingly, we request that sediment sampling not be required under the draft CII Permit. If retained, the permit should include a clear, structured process for evaluating and excluding adjacent facility run-on from compliance determinations. Such a process must specify criteria, timelines, and evidentiary standards to ensure consistent, transparent, and equitable application.</p>	<p data-bbox="1655 175 2575 459">Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

7.17

Monitoring & Reporting Requirements

CCEEB opposes the proposed pretreatment monitoring requirements for conducting a reasonable potential analysis (RPA). No current methodology exists for performing RPA for stormwater discharges, and the State Implementation Plan (SIP) and Toxicity Policies do not apply. Moreover, ELAP lab capacity is already constrained, and the increased testing burden may delay compliance efforts.

To this end, CCEEB recommends removing this provision entirely, as it creates an unnecessary and costly barrier to compliance, particularly for smaller or less-resourced dischargers. Additionally, CCEEB is concerned that newly added requirements for photographic documentation of visual inspections adds yet another layer of compliance with unclear benefit.

The Board conducted a comprehensive review of the remaining water quality objectives contained in the Basin Plan, as well as other applicable plans and policies not otherwise addressed in sections 4.6.3, 4.6.3.1 and 4.6.3.2 to ensure that this Order satisfies the requirements of Clean Water Act section 301(b)(1)(C) (33 U.S.C. § 1311(b)(1)(C)). As a result of this review, additional monitoring requirements have been added for certain pollutants that may be present in discharges from CII Facilities to their receiving waterbodies. Please note, CII Facilities are not responsible for performing the reasonable potential analysis (RPA). The purpose of the initial sampling is to enable the Los Angeles Water Board to collect and evaluate pollutant data from CII facility discharges to determine whether additional effluent limitations may be warranted in the future. The Los Angeles Water Board will use the NPDES Permit Writer's Manual to conduct RPA based on the data obtained through this initial sampling effort, available effluent and receiving water data, as well as other discharge-related information such as type of industry, existing effluent limitations, compliance history and stream surveys. (NPDES Permit Writer's Manual, Ch. 6).

See also response to comment #3.2.

The Los Angeles Water Board anticipates that accredited laboratories will be available to perform the required sampling and analytical procedures. A complete list of accredited laboratories is available at: [Environmental Laboratory Accreditation Program \(ELAP\) | California State Water Resources Control Board](#).

See response to comment #7.13 in regards to your comment on the initial sampling cost.

Visual observations are required to document any unauthorized non-stormwater discharges (NSWDs), as well as evidence of past discharges, potential future releases, and their sources. Time-stamped photographic and written documentation must be completed at every discharge location, as limiting observations

Comment Number	Comment	Response
		<p>to only a few representative locations could result in the omission of potential pollutant sources and would not provide an accurate assessment of site-wide discharge conditions. Furthermore, these visual observations are essential to verify that all required best management practices (BMPs) are properly implemented and maintained at each facility. Visual documentation such as this is low cost, widely available to every Discharger and does not create a barrier of any kind.</p>
7.18	<p>Finally, CCEEB recommends aligning the reporting deadlines in Section 5.2.3 with the extended three-year compliance timeline. Furthermore, Sections 6.5 and 6.6 impose technical and costly new requirements (e.g., Toxicity Reduction Work Plans) that may be redundant for dischargers selecting Option 1. These requirements should be reconsidered or removed for dischargers not directly responsible for pollutant management infrastructure.</p>	<p>At this time, the Toxicity Reduction Work Plans (TRWP) will remain in the CII Permit. All Permittees are required to develop and submit a TRWP within 90 days of the Permit's effective date to ensure preparedness and timely response to any observed toxicity events.</p>
7.19	<p>City & County of SF v. U.S. EPA</p> <p>While we appreciate the removal of certain discharge prohibitions, we believe the incorporation of numeric effluent limits and RPAs in response to the <i>City and County of San Francisco v. U.S. EPA</i> case is premature.</p> <p>The State Water Board has not finalized its guidance on this case's implications for general permits. Until a statewide process and consensus are reached, CCEEB urges the Board to delay adoption of this approach and engage stakeholders in a broader policy discussion.</p> <p>We also note that the Permit's approach is not based on site-specific monitoring data, raising further concerns about its enforceability and appropriateness.</p>	<p>To clarify, numeric effluent limitations were not added in response to the <i>CCSF</i> case. Rather, numeric effluent limitations were added, based on RPA, for all applicable water quality objectives. For additional information, please refer to Response to Comments #1.5 and #3.2.</p>

Comment Number	Comment	Response
8.1	<p>Technical Information and Data are Still Insufficient to Support the Scope of the Draft CII Permit</p> <p>While we appreciate the Board’s recognition that site-specific data is necessary to support a reasonable potential analysis, the 2025 draft permit continues to rely heavily on EPA modeling and literature rather than new, site-specific data for the affected watersheds. The permit does not include a comprehensive map or list of all affected sites, nor does it clarify how acreage is calculated for mixed-use or partially permitted sites. This approach results in an overbroad permit, potentially regulating facilities with little or no reasonable potential to contribute to water quality exceedances, while missing others. Even where the Regional Board does acknowledge that there is insufficient site-specific data to support a reasonable potential analysis, the Draft Permit proceeds to add a new obligation placing the significant burden of performing monitoring and initial sampling and analysis on permittees. (Fact Sheet, § 4.6.3.)</p> <p>The lack of current site-specific data results in a Draft CII Permit that is likely overbroad and underinclusive, burdening facilities that have very little, if any, reasonable potential to contribute to exceedance of water quality standards. We respectfully request that the staff delay bringing the revised permit to the Board until it has performed the modeling and analysis necessary to properly scope the permit rather than placing that burden on the regulated community.</p>	<p>Thank you for your comment. Regarding the addition of initial monitoring, this requirement has been added rather than adding effluent limitations for the full suite of parameters for which CII Facilities were determined to be a potential source. These parameters are biochemical oxygen demand, biostimulatory substances, oil and grease, temperature, pesticides, pH, PAHs, PCBs, ammonia, total residual chlorine, Methylene Blue Activated Substances, TSS, toxicity, and metals. This determination was based on an evaluation of monitoring data, receiving water quality data, data from similar facilities, and case studies from both local and nationwide research. The initial sampling requirement is less burdensome than demonstrating compliance with effluent limits for this full suite of parameters.</p> <p>The remainder of the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments.</p>

Comment Number	Comment	Response
8.2	<p>The Addition of Initial Sampling and Photographic Monitoring Obligations Are Burdensome and Unnecessary</p> <p>The Draft CII Permit includes new obligations for permittees to submit laboratory analytical results from initial representative samples collected from their sites (Draft CII Permit, § 3.2) and adds requirements to provide photographic documentation of BMPs and observed discharges (Draft CII Permit, §§ 9.1.4, 9.2.3, and 9.3.3.2). The Draft CII Permit does not adequately explain why the Regional Board now requires an analysis of initial samples with permit applications, which otherwise appears to be a measure to account for the lack of site-specific data available to support the scope of the Permit in the first place. Coupled with the relatively short timeline to submit permit applications (even as extended), hiring consultants and experts to design and conduct sampling and finding available laboratories to analyze the samples (along with 600 CII facilities) further burdens the businesses subject to the Permit. Similarly, the requirement to include time-stamped photographs is a time-intensive obligation with no apparent correlation to reducing pollution. These requirements are costly and time-consuming—especially for small businesses and first-time permittees—and may not yield meaningful water quality improvements. We are also concerned about the administrative burden and potential technical challenges associated with meeting this requirement. We respectfully request that the Regional Board take the following measures to decrease the burden on CII Facilities before adopting the Draft CII Permit.</p>	See response to comments #3.2 and #7.17.

Comment Number	Comment	Response
8.3	<p>Additionally, as currently drafted, Section 3.2 of the Draft CII Permit and Sections 2.1 and 2.2 of Attachment E to the Draft CII Permit impose initial sampling and analysis requirements for all parameters listed in Section 2.1 of Attachment E on all dischargers. The Regional Board's only stated rationale for these requirements is that they are necessary to "inform the reasonable potential analyses for future orders" where "the literature review shows that CII facilities are a source of pollutants, but there is no TMDL or 303(d) listing." (See Fact Sheet, § 4.6.3.) This rationale does not support requiring initial sampling and analysis for waterbodies and parameters for which the Regional Board has already made a reasonable potential determination based on TMDL and/or 303(d) listings, and has consequently set forth effluent limitations in Table 1. Moreover, requiring all dischargers to monitor for all pollutants even where there is no TMDL or 303(d) listing is overburdensome and it is inappropriate to place these costs on dischargers. Therefore, Section 3.2 and Sections 2.1 and 2.2 of Attachment E should be revised to clearly limit the scope of initial sampling and analysis to only those discharges and parameters where there is a TMDL or 303(d) listing.</p>	See response to comments #3.2, #7.13, and #7.17.
8.4	<p>The Regional Board Must Address the Significant Compliance Costs and Lack of Technological Guidance</p> <p>Our prior comment letters raised concerns due to potentially stringent requirements that may not take into account the economic feasibility for the regulated community. While we appreciate the quantitative cost analysis included in the newest Fact Sheet for the Draft CII Permit, the analysis reflects the substantial cost burden that the Permit will impose on the regulated community. Compliance costs will be substantial for all businesses and especially so for small business owners. Moreover, the Fact Sheet continues to lack clear guidance on the technology that meets the Permit's mandates. Without such guidance, small business owners with no experience with water pollution controls are substantially burdened to understand the technological capabilities of their sites, likely incurring significant extra consulting costs. Prior to adopting the Draft CII Permit, we respectfully ask the Regional Board take measures to reduce the cost burdens on the regulated community, including by developing technology guidance.</p> <p>Given that many CII facilities will be first-time NPDES permittees, we strongly recommend that the Board develop and distribute plain-language compliance guides, host informational workshops, and provide direct technical assistance to help new permittees understand and meet their obligations under the permit.</p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.

Comment Number	Comment	Response
8.5	<p>Compliance Option 1 Remains Incomplete and Refinement is Necessary to Ensure it is a Viable Option for Permittees</p> <p>We were extremely discouraged to see that Compliance Option 1 remains substantively unchanged from the previous Draft CII Permit. We greatly appreciate the Regional Board’s acknowledgment that Compliance Option 1 is important for some permittees to avoid pursuing cost prohibitive and potentially infeasible capital improvement projects that otherwise may be necessary to achieve permit compliance. We also appreciate that, at least as of this time, the Regional Board is confident sufficient projects exist with sufficient capacity to account for CII permittees. Nonetheless, we remain adamant that the lack of an established fee structure, standardized or template agreements, and the potential scarcity of feasible projects over time make Compliance Option 1 <i>potentially untenable for dischargers</i>. There will be significant transactions costs associated with negotiating with Watershed Management Groups (“WMGs”) and reporting annually on agreements, as many permittees (several of which have not been subject to similar regulation in the past) will need to hire legal counsel and engineering experts given the technical nature of the Draft CII Permit. Also, the absence of defined funding levels and meaningful guidance regarding regional project agreements creates uncertainty, potentially leading to disproportionate financial obligations for different CII sites. Moreover, it is unclear whether the permittee or the WMG carries compliance risks going forward for an unsuccessful project, and whether and when the permittee must pursue a different compliance option. We therefore respectfully request that the Regional Board reconsider each of the refinements to Compliance Option 1 described in our December 18, 2023 letter, summarized below.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
8.6	<p><u>Template Agreement</u>: A template regional project agreement would reduce transactional and administrative costs for Dischargers, WMGs, and the Regional Board by streamlining the drafting, negotiation, and approval process. A template would also clarify Discharger responsibilities under regional project agreements. Additionally, the Board should review agreements prior to execution to avoid unnecessary renegotiation if an agreement is later rejected.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

8.7	<p><u>General Fund Alternative:</u> We further urge the Board to establish a general fund alternative, administered by the Regional Board, into which permittees could pay when a suitable regional project or agreement with a Watershed Management Group is not available. This would ensure all permittees have a viable, equitable path to compliance and would reduce transaction costs and administrative burdens for both businesses and the Board.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
8.8	<p>Credit For Measure W: Permittees should be allowed to satisfy their permit obligations through payment of the Measure W parcel tax, or at minimum, offset their Compliance Option 1 costs by the amount of the tax paid. Despite staff's assertion to the contrary, it is not clear that the need to permit CII Facilities separately from the MS4 permit precludes the Regional Board from crediting Measure W funds towards compliance with the CII Permit. (See Response to Comments (August 25, 2025), p. 80.)</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

8.9

Permittees Require Additional Time to Select and Implement a Compliance Option

The watersheds covered in the Draft CII Permit include a significant area of Los Angeles County, placing these burdens on a substantial portion of regional economic activity. We reiterate that phased implementation of the Draft CII permit can help to alleviate these burdens and again request that the following language should be added to section 3.1.1 to the Draft CII Permit:

3.1.1. Discharges covered under this General Permit **include stormwater and authorized NSWDS from unpermitted CII sites with ten (10) or more acres of impervious surface and permitted CII sites with ten (10) or more acres of total area in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. All publicly owned facilities, including airports and seaports, and CII sites at hospitals, churches, schools, and institutes of higher education are not required to obtain coverage under this permit. Five (5) years from the effective date of this General Permit, upon the designation of the Executive Director, this General Permit may be extended** to include stormwater and authorized NSWDS from unpermitted CII sites with five (5) or more acres of impervious surface and permitted CII sites with five (5) or more acres of total area in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. CII sites at airports are excluded from coverage under this permit.

We acknowledge that EPA’s final designation applies to sites with 5 or more acres of impervious surface, but do not believe that prohibits the Board from adopting a phased implementation approach in the Draft CII Permit. If the Regional Board will not consider phased implementation, it could nonetheless reduce the burdens on permittees by publishing a template time schedule order (“TSO”) and application guide with the adoption of the CII Permit and committing to a clear path for permittees to obtain time schedule orders. While we understand staff’s clarification that it regards issuing a TSO at this time to be premature in light of the three years that permittees have to enroll in the Permit (Response to Comments (August 25, 2025), p. 81), for the reasons described above, permittees may have substantial difficulty meeting the three-year deadline. Providing a template TSO and clear guidance is the very least that the Board could do to alleviate the significant time and resource burden to evaluate the available technologies and associated costs of the available compliance options. We respectfully request that, prior to adopting the

Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.

	Permit, the Regional Board publish a template TSO and make available a TSO application guide clearly describing how permittees may obtain a TSO if reasonably requested.	
8.10	<p><u>More Clarify is Needed for Mixed-Used Sites</u></p> <p>We appreciate the Regional Board’s clarification to exclude residential facilities from the Draft CII Permit. Significant uncertainty remains for mixed-use sites, however. The Draft CII Permit appears potentially contradictory in its statements that the Permit does not apply to residential facilities “of any type” and that mixed-use sites that include residential must comply with the Permit—though only the commercial, institutional, or industrial “portion.” (Draft CII Permit, p. A-6.) Residential facilities may be located under the same roof as commercial facilities, may have the same or different owner and operator, and will often share the same parking lot, making it entirely unclear what portion of the site is and is not subject to the permit. <i>We continue to believe that any residential facility, including mixed-use developments, must be excluded from the CII Permit.</i></p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
8.11	<p><u>Responsibilities for Complex Sites Need Clarification</u></p> <p>The Draft CII Permit does not provide sufficient clarity for sites with multiple owners and/or tenants to determine who is responsible for obtaining permit coverage. The concept of “authority and operational control” should be clarified with objective standards to guide owners and tenants in determining responsibilities. Absent clarification, disputes over permit obligations will likely arise that could substantially increase the costs, time, and resources expended to obtain permit coverage and comply with permit obligations.</p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
8.12	<p><u>Definition and Calculation of Impervious Surface</u></p> <p>The 2025 Draft CII Permit’s definition of “impervious surface” and the method for calculating applicable acreage for permit coverage remain unclear, particularly for complex sites such as multi-tenant properties, leased parcels, or sites with both permitted and unpermitted areas. We request that, prior to adopting the Permit, the Board provide clear, practical guidance and illustrative examples for calculating impervious area, especially for multi-tenant, or partially permitted sites, to ensure consistent and fair application of the Permit.</p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.

<p>8.13</p>	<p><u>Permit Termination and Modification Process</u></p> <p>The Draft CII Permit lacks a clear, objective process for approval of a Notice to Terminate (“NOT”) submitted pursuant to section 3.5 of the Draft CII Permit. We request that, prior to adopting the Permit, the Board establish objective criteria and a timeline for approval of NOTs to avoid unnecessary regulatory burden on sites no longer subject to CII requirements.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>8.14</p>	<p><u>Credit for Existing BMPs and Prior Investments</u></p> <p>Many businesses have already invested in stormwater controls and best management practices (BMPs) that meet or exceed the requirements of the Draft CII Permit. We request that, prior to adopting the Permit, the Permit explicitly allow for recognition and credit for existing, effective BMPs and prior investments, and that redundant upgrades not be required where water quality objectives are already being met. (See Draft CII Permit, Section 6.5.)</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>8.15</p>	<p><u>Flexibility for Sites with Overlapping IGP/CII Coverage</u></p> <p>The 2025 draft permit removes the option for sites covered by the Industrial General Permit (IGP) to opt into the CII Permit for the entire property, requiring dual coverage for some sites. This may create inefficiencies and duplicative requirements for sites with both industrial and non-industrial areas. We request that, prior to adopting the Permit, the Board provide flexibility for sites to choose the most efficient and protective permit coverage, and clear guidance on how overlapping requirements will be handled. (See Draft CII Permit, Section 3.1.)</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>8.16</p>	<p><u>Flexibility for Low-Risk CII Sites</u></p> <p>The Draft CII Permit applies broadly to all CII sites above the acreage threshold, regardless of actual risk or pollutant loading. (See Fact Sheet, Section 2.3.) We recommend that, prior to adopting the Permit, the Board amend the Permit to include risk-based tiering or an exemption process for low-risk sites, or at least reduced monitoring and reporting requirements for such facilities.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

8.17	<p><u>Process for Demonstrating Offsite Pollutant Sources</u></p> <p>The Draft CII Permit does not provide a clear process for permittees to demonstrate that pollutants originate from offsite sources, such as aerial deposition or upstream run-on. We request that, prior to adopting the Permit, the Board include a process similar to the Industrial General Permit’s “Non-Industrial Pollutant Source Demonstration” to allow CII permittees to demonstrate that certain pollutants are not attributable to their site.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
8.18	<p><u>Targeted Support for Small Businesses and Environmental Justice Communities</u></p> <p>While the Draft CII Permit discusses environmental justice, it does not provide targeted support or flexibility for small businesses or those in disadvantaged communities, who may face disproportionate compliance burdens. We request that, prior to adopting the Permit, the Board provide targeted technical assistance, fee reductions, or phased compliance for small businesses and those in environmental justice areas. (See Fact Sheet Sections 3.3 and 3.17.)</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
8.19	<p><u>Coordination with Local Stormwater Programs and Measure W</u></p> <p>The Draft CII Permit does not clearly address how CII Permit requirements will interact with local stormwater ordinances, regional projects, or Measure W-funded efforts. Prior to adopting the Permit, we request that the Board incorporate explicit coordination and credit for participation in local or regional stormwater programs, including Measure W, to avoid duplicative requirements and maximize the effectiveness of existing investments.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>8.20</p>	<p><u>The Permit's Use of County Assessor Property Codes Creates Confusion</u></p> <p>The Draft CII Permit relies on Los Angeles County Assessor property use codes to define which facilities are subject to regulation, rather than using the more widely recognized Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) codes that are familiar to businesses and commonly used in other NPDES permits, such as the Industrial General Permit (IGP). This approach may create significant confusion for property owners, operators, and tenants who may not be familiar with Assessor codes or may not have ready access to this information. Businesses often organize their compliance programs and reporting based on SIC or NAICS codes, and the disconnect between these systems increases the risk of inadvertent noncompliance, misinterpretation, and administrative burden.</p> <p>To ensure clarity, transparency, and fair notice to the regulated community, we request that the Board provide a guidance document that maps the relevant Los Angeles County Assessor property use codes to their corresponding SIC and NAICS codes. Doing so will help businesses accurately determine their permit applicability, reduce confusion, and facilitate compliance, especially for those who are new to NPDES permitting or operate multiple types of facilities. We further request that the Board commit to updating this guidance as needed to reflect changes in property use coding or industry classification systems, and to provide outreach and technical assistance to help businesses navigate this aspect of the Permit.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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8.21	<p><u>The Draft CII Permit Will Impose Costs and Economic Consequences Beyond Those Necessary to Protect Water Quality</u></p> <p>As discussed throughout this letter, the regulated community will face significant cost and resource burdens to comply with the Draft CII Permit. In addition to these compliance costs, the Draft CII Permit could expose a broad scope of organizations—including non-profits, religious institutions, universities, and hospitals—to the threat of frivolous lawsuits for their inability to timely comply. The Regional Board should do all that it can to reduce the likelihood that the businesses subject to the Permit be faced with the financial burden of defending against such lawsuits, which could run into hundreds of thousands of dollars— costs that small businesses cannot absorb. The threat of litigation may discourage small businesses, essential services, and key economic contributors, such as port-related trade, from operating in these regions, potentially worsening existing economic inequalities, leading to divestment in the affected watersheds. To address these concerns, it is crucial for the Regional Board to implement a permit that offers compliance options which are both practical and economically viable. We are confident this can be achieved by amending the Permit to incorporate the above suggestions prior to adopting the Permit.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>9.1</p>	<p><i>Definitions: Need for Clarity and Consistency</i></p> <p><u>CII Discharges</u></p> <p>The current definition of “CII Discharges” emphasizes privately owned parcels or contiguous parcels but fails to account for multi-parcel campuses divided by easements or rights-of-way. Many industrial and institutional facilities operate across such configurations, where ownership and operational control may or may not differ. Without clarification, it is unclear whether the parcel owner or the site operator bears compliance responsibility. This uncertainty will complicate enforcement and lead to conflicting interpretations. We strongly urge the Board to clarify responsibility in situations involving easements, leased properties, or third-party ownership of infrastructure.</p> <p>Further, some entities operate multiple parcels as part of a “campus” with rights of way dividing them from one another. We urge the Regional Board to revise the draft CII Permit to allow for multiple parcels that are not considered contiguous but are part of a campus under the same entity to comply under one consolidated permit rather than a separate CII permit for each parcel within the non-contiguous campus.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>9.2</p>	<p><u>Definition of “Discharge”</u></p> <p>Similarly, the definition of “discharge” lacks clarity on whether the parcel owner or the operator (such as a lessee or tenant) is responsible for compliance. This is not a minor issue—unclear responsibility can expose both parties to overlapping liabilities, potentially resulting in costly legal disputes. The Permit must clearly assign responsibility based on operational control rather than ownership alone.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>9.3</p>	<p><u>Impervious Surfaces and Gravel Roads</u></p> <p>Although we appreciate revisions seeking to improve to the definitions of “Impervious Surface” and “Imperviousness,” we remain concerned with the inclusion of compacted gravel roads. These surfaces vary widely in permeability and infiltration timelines but ultimately promote infiltration and reduce erosion. We strongly recommend removing “gravel roads” and “compacted soil” from the definition of impervious surfaces, or at minimum, defining a clear percolation standard that better clarifies what “inhibit” means in this context.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

9.4	<p><u>Easements and Rights-of-Way</u></p> <p>The draft CII Permit’s treatment of easements and rights-of-way is also unclear. Some facilities operate pipelines, utility corridors, and railways across land they do not own. In such cases, the landowner does not exercise operational control, and the operator may already be subject to municipal agreements or NPDES permits. We urge the Board to expressly exclude easements and rights-of-way from Permit coverage to avoid regulatory duplication and confusion.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
9.5	<p><i>No Exposure Certification</i></p> <p>We are concerned the draft CII Permit does not acknowledge or provide differentiated consideration for facilities with a No Exposure Certification (NEC). These facilities pose significantly lower risk and should not be subject to the same requirements as dischargers with active industrial operations exposed to stormwater.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
9.6	<p>General Permit Coverage</p> <p>We support the revision extending the timeline for submittal of compliance option documentation from two to three years, as this flexibility is crucial for designing effective compliance strategies. We also support clarifications exempting facilities with individual NPDES permits that already meet or exceed CII requirements. However, the draft Permit leaves unanswered the critical question of who determines whether an NPDES permit is “as stringent as” the CII Permit. This determination must be transparent, consistent, and grounded in clear criteria to avoid uncertainty for permittees.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>9.7</p>	<p>Mixed-Use Development</p> <p>Although the revised language in the draft CII Permit clarifies that it does not apply to residential facilities of any type, significant concerns remain regarding its applicability to mixed-use developments. Specifically, parcels that combine commercial, institutional, or industrial uses with residential infrastructure appear to remain in scope for the non-residential portions of the property, despite the fact that these developments often include joint-use features such as shared parking facilities.</p> <p>Further complicating matters, Section 3.5 of the Notice of Termination provisions addresses conversion to residential use but does not clearly state whether partial conversions—such as the addition of residential units above commercial or office space—would trigger an exemption or subject the property to a different compliance standard. This lack of clarity creates compliance uncertainty for mixed-use developments and warrants additional refinement to ensure consistent and equitable application of the Permit.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>9.8</p>	<p>Trash Capture Systems</p> <p>We recommend aligning trash capture provisions with the Statewide Trash Provisions. Compliance should be based on selecting a certified device from the State’s approved list and installing it per design specifications, without additional certification requirements or references to specific devices that may change over time.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>9.9</p>	<p>Compliance Options</p> <p>Option 1: Watershed Management Group (WVG) Projects While many permittees may select Option 1, major uncertainties remain regarding funding formulas, cost-sharing mechanisms, and governance of watershed management groups (WVG). While some dischargers may prefer this option, significant concerns remain unresolved that may hinder this well-intended compliance option from being workable:</p> <ul style="list-style-type: none"> • The funding formula and pollutant-level factor are vague and undefined; • Cost-sharing arrangements with municipalities lack transparency; and • WVGs have not provided adequate information or template agreements to permittees for use in making compliance decisions/plans. <p>Further, it remains unclear if WVGs are to be considered legally constituted entities with clear accountability standards? While we appreciate the Regional Board may see benefit in providing maximum flexibility, such unanswered questions and authorities are critical to permittees' willingness to engage with them for this compliance pathway without certainty they will be deemed in compliance at the outset and through the life of the relevant agreement, regardless of whether the WVG makes progress to address the water quality impacts that led to the draft CII Permit in the first place. Further, how will cost accountability be enforced? How will dischargers know that resources are being used effectively to improve water quality? Until these issues are addressed, Option 1 is not workable. Further, permittees electing Option 1 should not be subject to the extensive initial sampling and monitoring requirements currently proposed before a compliance option can be chosen, as these costs would be duplicative of WVG responsibilities.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>9.10</p>	<p><u>Option 2: Infiltration</u></p> <p>Requiring dischargers to demonstrate that infiltration will never cause exceedances of water quality standards sets an impracticable standard. This may discourage use of infiltration, despite its environmental benefits. Ultimately, we believe this standard discourages infiltration and may instead push dischargers toward reliance on sanitary sewer system discharges, which may not be feasible for all facilities.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

9.11	<p><u>Option 3: Onsite Treatment</u> This option presents prohibitive costs in terms of capital, land, and long-term operations and maintenance (O&M). For many facilities, Option 3 is not viable and could lead to facility relocations or closures, with direct consequences for jobs and local tax revenues.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
9.12	<p>Monitoring and Reporting Requirements We oppose the inclusion of pretreatment monitoring for reasonable potential analysis (RPA). No accepted methodology exists for applying RPA to stormwater, and laboratory capacity is already constrained. This requirement adds cost without environmental benefit. Similarly, photographic documentation of visual inspections imposes unnecessary burdens with unclear regulatory value. We recommend aligning monitoring and reporting deadlines with the three-year compliance timeline and removing requirements that are duplicative or irrelevant for permittees selecting Option 1.</p>	<p>See response to comments #3.2 and #7.17. Because the monitoring requirements serve distinct purposes, it is not necessary to align monitoring and reporting deadlines with the three-year compliance timeline or remove requirements applicable to Dischargers selecting Compliance Option 1.</p>
9.13	<p>City & County of San Francisco v. U.S. EPA We are concerned that incorporating numeric effluent limits and RPAs into this Permit is premature given that the State Water Board has not finalized guidance on this issue. Given the State Board has not yet developed statewide guidance on how this case should influence general permits, the Regional Board should not adopt provisions that could later conflict with statewide policy. In this regard, we urge the Regional Board to delay implementation until statewide policy and stakeholder engagement are complete to resolve this critical issue.</p>	<p>Please see responses to comments #3.2 and #6.3.</p>

<p>10.1</p>	<p><u>Section 3 – General Permit Coverage</u></p> <p>WSPA appreciates and supports the change from two years to three years after the effective date of the order for dischargers to submit the required compliance option documents. This provides additional time that is critical for dischargers as they evaluate which compliance option will work best for their site. Depending on the compliance option chosen, various components of those options may take longer to pursue whether that be design, permitting and implementation of relevant capture and storage infrastructure or the pursuit of agreements for offsite capture and management under Compliance Option 1.</p> <p>WSPA also appreciates the clarification in Section 3.1.4 of the Draft CII Permit, which confirms that facilities with individual NPDES permits that meet or exceed the Draft CII Permit requirements are exempt from obtaining additional coverage. However, it remains unclear who is responsible for determining whether an individual NPDES permit is considered “as stringent as” the Draft CII Permit, particularly since the requirements in the Draft CII Permit and individual NPDES permits may not fully align (e.g., reporting years, sampling schedules, and reporting platforms may differ).</p> <p>In this regard, WSPA requests additional clarification regarding both the decision-making authority for such determinations as well as the full range of factors that must be considered to qualify as “as stringent as” the Draft CII Permit. WSPA recommends that equivalency evaluations and relevant updates needing to be deemed “as stringent as” the Draft CII Permit occur during the renewal process for individual NPDES permits. Additionally, WSPA recommends that compliance obligations associated with the Permit not be required until such an evaluation and update have been completed, regardless of the effective date and compliance timelines in the Draft CII Permit. This approach would minimize duplicative coverage, avoid conflicting stormwater management requirements, and reduce oversight burdens on multiple Sections and Permitting Units at the LA Regional Board.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>10.2</p>	<p><u>Section 4 & 6 – Discharge Prohibitions & Certification Requirements</u></p> <p>WSPA urges the Board to revise the trash provisions within the Permit. As currently drafted, the Draft CII Permit appears to require the Permittee to obtain certification for any installation of a full capture system, even though it is not required under the Statewide Trash Provisions. The certification is a Board certification of devices under the Certified Trash Full Capture Systems list and the Categoricaly Certified Multi-Benefit Trash Treatment Systems. If a Permittee selects a device off one of these lists and implements it in accordance with the design criteria, they are deemed in compliance with the Trash Provisions. In this regard, the language should be revised to be consistent with the Trash Provisions, rather than also requiring Permittees to go through another layer of certification that seems unnecessary. Additionally, given these lists may change in the future – by the addition or removal of devices – WSPA recommends the specific devices detailed in the Permit be removed.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>10.3</p>	<p><u>Section 8 – Compliance Options for Water Quality Based Effluent Limitations</u></p> <p>Compliance Option 1</p> <p>WSPA continues to have concerns regarding the lack of clarity and detail associated with Compliance Option 1 and the associated “funding level” formula language. Although we and our coalition partners have attempted to work through the anticipated approach and details with the relevant Watershed Management Groups (WMG) to obtain greater clarity regarding how the option and associated projects would be determined and funded, the WMGs failed to provide meaningful detail on the issue prior to this version of the Permit being released. Specific to the funding level formula, WSPA has concerns that it is based on several variables, including a pollutant level factor, which remain vague as to the meaning and ultimate calculation. WSPA recommends the Board revise the “pollutant level factor” definition to provide sufficient understanding and clarity that will enable dischargers to consider and compare relevant costs. This clarity is critical for dischargers to make an informed decision regarding their compliance options and approach.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

10.4	<p>WSPA is also concerned about the reference in Attachment F – Fact Sheet Section 3.12.4.1.3. that explicitly authorizes the ability for WMGs to adjust the Compliance Option 1 fees based on variables such as availability of other sources of funding. To be clear, WSPA would object to the entirety of the WMGs’ projects being funded solely by dischargers in Compliance Option 1 if other funding sources were not identified. Rather, the costs should be shared with the municipality that is otherwise responsible for pollutants in these watersheds along with the dischargers under this Permit. Additionally, fees should be set commensurate with dischargers’ impact rather than on a variable that is based on whether other funding sources exist, particularly if that would in and of itself result in fee increases.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
10.5	<p>Further, we urge the Board to immediately convene a workgroup that includes representatives from the discharger community, WMGs, and State and LA Regional Board to work through and more clearly define the structure of this compliance option, the associated agreements, legal details, costs, and more. Despite the Board’s initial efforts to facilitate multiple meetings with dischargers and WMGs, the conversations stagnated. Dischargers continued to try to work with the WMGs to obtain further clarity on their thinking, sample templates, cost perspectives, and more. Unfortunately, one of the WMGs was not permitted to speak with the discharger community after the Board staff stepped away from the conversation; another WMG, respectfully, did not follow through on the commitment to provide more information and detail. In this regard, we urge the Board to take a more active leadership role in convening the stakeholders to make this important compliance option workable for dischargers.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
10.6	<p>Also noteworthy, many dischargers will need to rely on Compliance Option 1 for compliance purposes. However, if the costs of this compliance option are too high it could deter dischargers from utilizing it. This could have implications for a business’s decision to continue operating in the watersheds or to pursue alternative options that may be more costly up front but cheaper in the long run, in turn limiting opportunities for WMGs to secure funding for critical projects within the watersheds.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>10.7</p>	<p>Compliance Option 2</p> <p>Although WSPA members may not utilize infiltration, we are concerned about the precedential implications of requiring a discharger to prove infiltrated stormwater will never cause or contribute to the exceedance of a water quality objective or impair a beneficial use. This is an extremely high bar to meet that will likely result in dischargers using this compliance option only if they are able to discharge to the sanitary sewer system on a technological and economically feasible basis. Such an approach is an important option but may only be utilized if binding agreements with sanitary sewer districts are agreed upon in a manner that appropriately and equitably considers and imposes costs associated with treatment and recycling of the stormwater.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>10.8</p>	<p>Compliance Option 3</p> <p>Compliance Option 3 is likely cost prohibitive for many dischargers to utilize as it would require capture and treatment of stormwater to very stringent levels prior to discharge, not to mention the costs associated with operations and maintenance. The costs associated with this compliance option could result in a business moving its operations outside of the relevant watersheds or closing operations entirely. This would not only have an impact on the overall fiscal health of the region, but also impact revenue derived from those parcels for the purpose of funding Measure W to support stormwater infrastructure and capture in Los Angeles County.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>10.9</p>	<p><u>Section 9 – Monitoring & Reporting Requirements</u></p> <p>WSPA is concerned about the new requirement associated with pretreatment monitoring and sampling to evaluate reasonable potential for exceeding water quality objectives prior to selecting a compliance option. Currently, there is no adopted methodology to guide how a discharger would undertake a reasonable potential analysis, which is a highly detailed analysis requiring a large discharge and dataset. Further, neither the current State Implementation Policy (SIP) nor the Toxicity Policy apply to the regulation of stormwater discharges, making the issue even more challenging and unclear.</p>	<p>All dischargers are required to conduct an initial sampling analysis, regardless of the compliance option selected. See also responses to comments #3.2 and #7.17.</p>

10.10	<p>Further, we are concerned about Environmental Laboratory Accreditation Program (ELAP) lab capacity and bandwidth for accommodating significant increases in sampling that would be required for prospective permittees in these watersheds. A lack of capacity and bandwidth to accommodate this increased sampling could result in problematic delays that may impact a discharger’s compliance timeline, much less any infrastructure projects that may be undertaken for compliance purposes.</p> <p>As such, WSPA urges the Board to remove this provision entirely. It adds another level of complexity and significant cost that will make it difficult for even the most sophisticated dischargers to comply under any of the compliance options, much less smaller dischargers who are in scope for Permit coverage and obligations.</p>	<p>Initial sampling requirements apply to all dischargers enrolled under the CII Permit. Each Discharger is responsible for conducting the required sampling at its facility in a timely manner. For additional information regarding laboratory capacity, please see response to comment #7.17.</p> <p>See response to comment #7.13 regarding your comment on the initial sampling cost.</p>
10.11	<p>WSPA is also concerned that the Permit includes new and stricter requirements for visual observations, which include photographic documentation. These new requirements place additional burdens on a facility with no associated water quality benefits; they should be removed from the Draft CII Permit.</p>	<p>See response to comment #7.17.</p>
10.12	<p><u>Attachment A – Acronyms & Definitions</u></p> <p>WSPA has ongoing concerns regarding the definition of “CII Discharges” that focuses on a privately owned parcel or contiguous parcels of land. Importantly, the Permit does not address concerns for entities who may have multi-parcel campuses that are separated by an easement or right of way. Further, it remains unclear who is responsible for compliance with easements and rights of way under the Permit. For WSPA members, this is particularly important to clarify as some easements and rights of way may be utilized for pipelines or conveyances that are not owned by the WSPA member, but another entity or municipality. Currently, the Permit lacks clarity regarding whether the parcel owner or operator has ultimate responsibility for compliance. Related to this lack of clarity, the definition of “discharge” also remains unclear regarding who must comply – the owner of the parcel or the entity operating (leasing or utilizing the parcel right of away) the parcel.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

10.13	<p>Additionally, while improved, the “Impervious Surface” and “Imperviousness” definitions continue to include gravel roads that are compacted, without added clarity regarding the use of inhibitors as it relates to percolation that could be characterized in any number of ways. This is particularly concerning for facilities that may have pipelines or rail lines coming to or from facility properties that are considered “contiguous” and that may have somewhat compacted gravel surfaces upon which they rest. The language does not provide any consideration for the level of compaction of the gravel surfaces where it still allows for absorption or infiltration.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
10.14	<p>Further, gravel increases storm water percolation by slowing water velocity and reduces erosion and sedimentation. Various stormwater management handbooks including those prepared by organizations like the California Stormwater Quality Association (CASQA) include manuals, both construction and industrial as well as commercial guidance that considers gravel a best management practice (BMP). In this regard, it is unclear why the Board would consider this impervious for the purpose of regulation via the Permit, much less what justification would warrant such a decision.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
10.15	<p>Ultimately, WSPA continues to urge the Board to clarify that surface area for the purpose of pipelines and rail lines that are not asphalt or concrete-paved and allow for absorption or infiltration are expressly excluded from counting towards and meeting the 5-acre threshold scope for Draft CII Permit coverage. Similarly, areas that have pipelines, rail lines, and utilities that are located in “rights of way” or “easements” should not be in scope for Draft CII Permit coverage and compliance obligations.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>10.16</p>	<p><u>Attachment E – Monitoring & Reporting Program</u></p> <p>WSPA recommends the deadlines for reporting for each compliance option be revised to correspond to the ultimate effective date of the Permit with the allotted additional three-year period for compliance option documentation submittals and effective date. Currently, the Permit timelines are not aligned in 5.2.3 with the effective date of the Permit, much less the timeline for locking in and implementing the discharger’s chosen compliance option. Section 6.5 and 6.6 also include an entirely new requirement for dischargers to prepare an Initial Investigation Toxicity Reduction Work Plan and, as may be necessary, other toxicity identification and reduction evaluations. This is concerning because it requires a great deal of technical expertise and cost to prepare such a plan and conduct any associated evaluations. It is unclear why such requirements are necessary if dischargers opt for Compliance Option 1. In this instance, dischargers would meet their compliance obligations through agreements with WMGs. These requirements alone would add significant costs to the compliance obligations for dischargers in these watersheds on top of any costs for those dischargers who opt-in to Compliance Option 1.</p>	<p>To clarify, the Toxicity Reduction Evaluation (TRE), initial sampling, and annual reporting are distinct requirements, each with its own deadline. Section 5.2.3 of Attachment E to the CII Permit specifies the due dates for annual reporting, visual observations, sampling, and analytical results submittal for each compliance option once dischargers are enrolled under the CII Permit. The annual report must be submitted each year, and the Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan is due within 90 days of the effective date of the permit, which is consistent with standard requirements in other permits. The initial sampling requirements are unrelated to the demonstration of compliance with the water-quality based effluent limitations, including Compliance Option 1. Instead, this monitoring has been incorporated into the tentative revised CII Permit to determine whether discharges from individual CII Sites have the reasonable potential to cause or contribute to exceedances of applicable water quality objectives.</p> <p>The deadlines for these requirements will remain unchanged. However, in response to requests for additional preparation time, the Los Angeles Water Board has extended the submittal deadlines for the Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and analytical results from the initial sampling requirements to one year from the effective date of the permit. The deadline for submittal of Compliance Option Documents has been extended to three years from the effective date.</p> <p>See response to comment #7.13 regarding your comment on the initial sampling cost.</p>
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<p>10.17</p>	<p><u>City & County of SF vs. US EPA</u></p> <p>Finally, we appreciate the removal of three discharge prohibitions in the previous version of the Draft CII Permit. We presume their proposed deletion is a response and change related to the City and County of S.F. vs US EPA case. However, the alternative approach that now includes the adoption of numeric water quality-based effluent limitations and a reasonable potential analysis appears premature and may benefit from further evaluation. Notably, the State Water Resources Control Board (“State Board”) is in the process of reviewing the case and its implications on all types of NPDES permits. While the State Board has issued interim guidance, it is limited and constrained with the State Board explicitly stating that “no decision has been made yet on general NPDES permits.” Given this, WSPA urges the Board to reconsider its approach and delay the adoption of the Draft CII Permit until such time as a broader engagement is undertaken. Further, because the approach contemplated in the Draft CII Permit is not informed by actual monitoring data from CII facilities in the relevant watersheds, it may not be appropriate or sufficiently supported for implementation.</p>	<p>See response to comment #7.19.</p>
<p>11.1</p>	<p><u>New Sampling Requirements:</u></p> <p>The new requirement for all Dischargers to conduct initial sampling and analysis of effluent is overly burdensome, particularly for facilities already subject to existing stormwater monitoring obligations under other statewide permits. For example, BNSF facilities enrolled under the Industrial General Permit (IGP) already conduct sampling and analysis for a broad range of parameters. Requiring duplicative sampling under the CII Permit imposes unnecessary costs and administrative burdens without a corresponding environmental benefit. We recommend that the CII Permit allow facilities to rely on existing sampling data collected under the IGP or other applicable permits to satisfy the initial sampling and analysis requirement. This approach would streamline compliance, avoid redundancy, and maintain consistency across statewide regulatory programs. Additionally, the CII Permit should clarify that facilities may submit previously collected data as part of their Permit Registration Documents, provided the data is representative of current site conditions and collected in accordance with approved methods.</p>	<p>See response to comment #7.13.</p>

<p>11.2</p>	<p><u>Sediment-Associated Effluent Limitations and Adjacent Facility Run-on</u></p> <p>This comment addresses the Water Board’s response to BNSF’s prior concerns regarding sediment associated effluent limitations under Compliance Option 3. While the Water Board references the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL as the basis for sediment sampling, the response does not adequately resolve the practical compliance issues raised in our original comment. Specifically, the response acknowledges that sediment sampling results may reflect pollutant contributions from adjacent facilities but places the burden on individual permittees to demonstrate that exceedances are attributable to off-site sources. Furthermore, unlike the IGP, the draft CII Permit does not specify how to conduct this demonstration or what standards the Water Board would use to evaluate it.</p> <p>This approach is problematic. In highly urbanized and industrialized watersheds, runoff from adjacent facilities is common and often indistinguishable at shared discharge points. Requiring individual facilities to prove that exceedances are not attributable to their operations—without a clear evidentiary standard or procedural framework—creates uncertainty and risk of unjustified enforcement. The Water Board’s comment states that it will use a case-by-case evaluation process, a process that inherently lacks transparency and predictability, and may result in inconsistent determinations across similarly situated facilities.</p> <p>Moreover, the inclusion of sediment-based effluent limitations in the CII Permit presumes that sediment sampling can reliably isolate facility-specific contributions. This assumption is flawed in drainage areas where multiple dischargers contribute to sediment loads. Without a defined mechanism for apportioning responsibility, facilities may be held accountable for pollutants originating from upstream or neighboring sources.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>12.1</p>	<p>Comment 1: CII Permit Definition of Impervious Surface and Imperviousness</p> <p>In the revised draft permit, the Board defines <i>Impervious Surface</i> and <i>Imperviousness</i> as:</p> <p><i>Impervious Surface</i> - Any impervious surface is any surface that prevents or significantly impedes the infiltration of precipitation into the underlying soil or groundwater. Examples include, but are not limited to rooftops, driveways, sidewalks, rooftops, walkways, patios, storage areas, roads (including compacted gravel roads that inhibit percolation), compacted soils, asphalt, concrete, and parking lots.</p> <p>Surfaces designed to allow infiltration, such as landscaped soil and pervious pavement systems (e.g., interlocking pavers with permeable joints or seams) underlain by pervious soil or engineered storage media like gravel layers, are not considered impervious surfaces.</p> <p><i>Imperviousness</i> - The percentage of impervious surface by area within a development site or watershed. Maps and aerial photographs can be used to assist in determining the actual impervious nature of the property.</p> <p>Although the Permit's definitions of "Impervious Surface" and "Imperviousness" has improved, they continue to include compacted gravel roads and soils. The CII permit does not provide any science or guidance on what constitutes impervious, i.e. rate of percolation, construction guidance on impaction rates, etc. In response to comments submitted on December 18, 2023, you stated:</p> <p>"...rail lines and related areas with fractional ballast composition and underlying compacted soils are not exempt from tentative revised CII Permit coverage. However, sites can be evaluated on a case-by-case basis."</p> <p>This language is still vague. What criteria would be used for evaluation on a case by case basis? If rainwater can move through tracks and reach native soil at the same rate as when tracks are absent, then the tracks should not be considered an "impervious surface," and these areas should not be used as contributing surface area to a facility's 5-acre impervious area threshold.</p> <p>The term Imperviousness is still vague and how to calculate is nonexistent. Criteria for evaluation, the responsible party for calculation, and the frequency of calculation are not specified. This lack of clarity raises concerns about the consistent and fair application of the permit requirements.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>12.2</p>	<p>Comment 2: Pervious Nature of Railroad Tracks</p> <p>Union Pacific Railroad has conducted extensive research on the pervious nature of our track composition. We have attached a study conducted using the Cornell Sprinkle Infiltrometer device to test infiltration rates at 11 different areas on Union Pacific Railroad property. The study included tests in various areas such as railroad ballast areas within railyards, railroad ballast areas within Right-of-Way (ROW) track lines, unpaved areas within railyards, unpaved areas along ROW track lines, and grassy/undeveloped areas within railyards. The study findings indicate that the infiltration rates for ballast, whether in track ROW or railyard, far exceed typical values for soils and undeveloped areas, demonstrating their super pervious nature with extreme infiltration rates.</p> <p>Union Pacific Railroad strongly urges the Board to clarify that rail lines composed of ballast, which is designed to have higher permeability, should not be considered towards a facility's 5-acre threshold for draft CII Permit coverage. Additionally, the Environmental Protection Agency (EPA) Memorandum on the Request for Final Designation of Stormwater Discharges from Certain Commercial, Industrial, and Institutional Sites in the Alamitos Bay/Los Cerritos Channel Watershed and the Dominguez Channel and Los Angeles/Long Beach Inner Harbor Watershed in Los Angeles County states in footnote #5 an "Impervious surface means surfaces that are impermeable to infiltration of precipitation (here, rainfall) into underlying soil/groundwater and includes rooftops, parking lots, sidewalks, and driveways." Union Pacific Railroad is able to demonstrate with the attached study the pervious nature of our track composition and shows that rail lines composed of ballast and underlying soils should be excluded from the facilities 5-acre threshold.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>12.3</p>	<p>Comment 3: Definition of Commercial, Industrial and Institutional Site (CII Site) & Contiguous Property</p> <p>The revised 2025 permit added and defines CII Site as:</p> <p>The term CII Site as used in this Order means a privately owned parcel or contiguous parcels of land that are commercial, industrial or institutional based on Los Angeles County Tax Assessor land use codes 1000 through 2900, 3000 through 3920, 6000 through 6910, 7000 through 7710, and 8100 through 8400. (https://portal.assessor.lacounty.gov). For parcels with land use code 1210 (mixed use commercial and residential) and 1720 (mixed use office and residential), the term CII Site only applies to the commercial, institutional, or industrial portion of the mixed land use parcel. This Order does not apply to residential facilities of any type, including those located within a parcel assigned the land use category of mixed use.</p> <p>Additionally in the 2025 Response to Comments it was stated:</p> <p>“If the surface area for the contiguous pipelines or rail lines are owned or operated by the facility, this area should be considered for coverage under the tentative revised CII Permit. However, the responsibility for areas that are “rights of way” or “easements” in the County Assessor’s record will be based on the easement/right of way agreement.”</p> <p>The response is vague stating that these areas “should be considered for coverage”. There is no specific determination on “if” they should or should not be considered and no guidance on determining when they should be part of the CII permit site.</p> <p>Union Pacific Railroad urges the Board to clarify that surface area of rail lines connecting to, but not part of the facility’s operational boundary, should not be counted towards a facility’s 5-acre threshold for draft CII Permit coverage. Mainline track entering, departing, or connecting between facilities is not part of the facility, and should not count towards, nor be subject to, a facility’s 5-acre threshold scope for CII Permit coverage.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>12.4</p>	<p>Comment 4: Sediment Sampling</p> <p>The inclusion of sediment-based effluent limitations in the draft CII Permit assumes that sediment sampling can reliably isolate facility-specific contributions. The potential for facilities to face liability for pollutants originating upstream from neighboring sites exist. The CII permit does not have scientific evidence supporting the assumption in drainage areas where multiple dischargers contribute to sediment loads.</p> <p>In response to comments regarding sediment sampling the Board acknowledges that sediment sampling results may reflect contributions from neighboring facilities, but places the burden on individual permittees to prove that exceedances are caused by off-site sources. While the California Industrial General Permit (IGP) provides guidance and outlines steps on how to demonstrate/evaluate off-site source pollutants, the draft CII Permit provides no guidance or standard.</p> <p>In densely urbanized, industrial watersheds, runoff from neighboring/adjacent facilities is a common, and expected occurrence. The Board has only provided the permittee with reliance on a case-by-case evaluation process without any standards or framework. This further compound the issue by a lack of transparency and predictability, potentially resulting in inconsistent determinations for similarly situated facilities, and a potential inequality of application. This heightens the risk of unwarranted enforcement Union Pacific Railroad request that sediment sampling not be required under the draft CII Permit. If the Board keeps the sediment sampling as part of the permit, then there should be clear standards/process for evaluating and excluding neighboring facility run-on, similar to the California IGP. The process should specify criteria, timelines, and evidentiary standards to ensure consistent, transparent, and equitable application.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>12.5</p>	<p>Comment 5: General Comments & Question</p> <p>According to the EPA, permitted Industrial Facilities engaged in certain industrial activities, listed in various sectors as applied based on SIC codes, under the NPDES program are required to have a stormwater permit. The CII permit has no designation for a “Facility”, although it is used judicially throughout the permit. Whereas the EPA uses specific criteria/standard/guidance for industrial operations.</p> <p>As stated in the CII permit the EPA lists industry and automobiles as the primary sources of metal in urban runoff. Additionally, the CII permit goes on to state that the EPA has identified that metals get into runoff from impervious areas that are trafficked by vehicles, such as driveways and parking lots, from vehicle wear, tire wear, motor oil, grease, and rust. Yet the CII permit has excluded public facilities, i.e. highways and roads that would be the largest contributors to these pollutants. The CII permit is solely targeting industry and has excluded the public sectors that are the largest contributors to the pollutants. The Board has shifted the majority of the burden, both financial and environmentally, on industry without sufficient guidance, standards, scientific evidence in some cases, and transparency. Does the Board plan on implementing guidance/standards/permits for public facilities that contribute to the pollutant loads to impaired water bodies?</p> <p>There is no guidance in the CII permit for run-on to industrial sites from public infrastructure who are a main pollutant. There should be clear standards/process for evaluating and excluding neighboring public infrastructure run-on. The process should specify criteria, timelines, and evidentiary standards to ensure consistent, transparent, and equitable application.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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12.6	Currently industry pays stormwater fees. With the implementation of the CII permit, will those stormwater fees no longer be required?	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, , the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
13.1	<p>Compliance Flexibility</p> <p>We recognize the inclusion of multiple compliance options (regional project participation, onsite Best Management Practices [BMPs], and monitoring-based compliance). We suggest that the Water Board consider, in future revisions, whether hybrid approaches that combine elements from different compliance options may enhance pollutant load reduction and accommodate site-specific constraints. We understand that the current permit requires selection of a single compliance option per facility.</p>	Thank you for your comment but your comment is not pertinent to the additional changes open to written comments. Therefore, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
13.2	<p>Timeline for New Dischargers</p> <p>Section 3.4.2 requires new dischargers to submit all compliance documentation, including selection of a compliance option, at least 45 days prior to discharge. This timeline may present challenges for facilities undergoing construction or ownership transitions. We suggest the Water Board consider extending this timeline or allowing conditional enrollment to facilitate timely compliance.</p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
13.3	<p>Public Outreach and Stakeholder Engagement</p> <p>We encourage the Water Board to continue and expand public outreach efforts, including targeted engagement with small businesses and disadvantaged communities. Clear guidance documents, webinars, and technical assistance resources may support successful implementation and compliance.</p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.

13.4	<p>Definition of “At Least As Stringent”</p> <p>Sections 3.1.4 and 3.5 reference facilities with individual NPDES permits that are “at least as stringent” as the General Permit. This term could be subject to varying interpretations. We suggest the Water Board consider providing objective criteria or a transparent process for determining equivalency and allow facilities actively working with the Water Board to continue under those permits with appropriate Total Maximum Daily Load (TMDL) and water quality limitations incorporated.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
13.5	<p>Initial Sampling and Reasonable Potential Analysis (RPA)</p> <p>Section 9 and Attachment E require initial sampling and analysis prior to selecting a compliance option. We suggest clarifying how a single sample may be considered representative of site conditions, particularly given seasonal variability and potential drought conditions. Additional time and flexibility may be needed to collect meaningful data for the RPA process.</p>	<p>The initial sampling requirements include both stormwater and non-stormwater discharges (NSWDs) and must be representative of the entire facility. Since the initial sampling results are to be submitted with the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP), dischargers have one year from the effective date of the CII Permit to complete these requirements. This timeframe provides Dischargers with adequate opportunity to conduct sampling under varying conditions throughout the year.</p>
13.6	<p>Toxicity Testing Requirements</p> <p>Attachment E includes toxicity as a required parameter and references EPA protocols for chronic toxicity, species sensitivity screening, and Toxicity Reduction Evaluation/Toxicity Identification Evaluation (TRE/TIE). We suggest the Water Board consider providing additional guidance on acceptable methods and thresholds to promote consistency and cost-effectiveness for permittees.</p>	<p>Section 6.6 of Attachment E references the USEPA manuals for conducting TIE procedures to identify toxic chemicals. These include:</p> <ul style="list-style-type: none"> - <i>Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures</i> (EPA/600/6-91/003, 1991); - <i>Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity</i> (EPA/600/R-92/080, 1993); - <i>Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity</i> (EPA/600/R-92/081, 1993); and - <i>Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document</i> (EPA/600/R-96-054, 1996).

13.7	<p>Cost Estimates for Monitoring</p> <p>Fact Sheet Section 3.12.4.1.2 estimates a one-time monitoring cost of \$2,741, which appears to apply to a single discharge point. For facilities with multiple discharge points, costs could be significantly higher, particularly when toxicity testing is required.</p>	<p>Initial monitoring is necessary to assess pollutant levels from CII Facilities, determine whether these discharges cause or contribute to an exceedance of water quality objectives in affected receiving waters, and evaluate whether additional effluent limitations may be warranted. For more information, please see responses to comments #3.2 and #7.13.</p>
13.8	<p>Support Cost-Effective BMPs and Flexible Compliance Pathways</p> <p>We suggest the Water Board consider adopting crediting frameworks similar to the Massachusetts CII Permit in future revisions. This permit allows permittees to meet phosphorus reduction requirements through onsite Structural Control Measures (SCMs) and offsite regional projects, provided that reductions are properly documented and maintained. It outlines detailed phosphorus reduction credits for both structural and nonstructural SCMs, including enhanced street sweeping and catch basin cleaning.</p> <p>To incentivize cost-effective BMPs, we suggest the Water Board explore similar crediting frameworks. It is important to note that both CII Permits are currently in draft development. The Massachusetts CII Permit is being drafted by EPA Region 1, and both permits may set a precedent for other states and watersheds. A more flexible and cost-effective compliance matrix could be beneficial, and we encourage the Water Board to consider mechanisms similar to those proposed in the draft Massachusetts CII Permit.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
13.9	<p>Definition of Impervious Surface</p> <p>The definition of “impervious surface” includes compacted gravel roads that “inhibit percolation.” We suggest clarifying how “inhibit percolation” will be determined and recommend the use of objective criteria or field testing protocols.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

13.10	<p>Compliance Option-Specific Comments</p> <p>Compliance Option 1 – Regional Project Funding</p> <p>We recognize the concept of regional compliance and suggest the Water Board consider, in future revisions, incorporating credit trading mechanisms similar to the Massachusetts CII Permit to incentivize participation and allow for flexible compliance pathways.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
13.11	<p>The Pollutant Level Factor used in the Reasonable Assurance Analysis (RAA) is defined in the permit as a value characterizing a facility’s site-specific conditions relative to the watershed and must be consistent with RAA model inputs. We suggest providing additional guidance on how facilities not modeled under the RAA can determine their pollutant level factor and participate equitably.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
13.12	<p>The fee structure for regional project participation is currently undefined and may introduce financial uncertainty for dischargers. We suggest the Water Board consider providing a transparent framework for fee calculation and allow for phased payments or cost caps.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
13.13	<p>Compliance Option 2 – Onsite BMPs</p> <p>We recognize the inclusion of existing Low Impact Development (LID) features and suggest the Water Board clarify how previously installed BMPs can be credited toward compliance, provided they meet the current design standard.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

13.14	The volume-based design standard (85th percentile 24-hour storm) appears consistent with the Industrial General Permit (IGP). We suggest the Water Board consider providing equivalent language and examples to ensure consistent interpretation and implementation in Section 8.2.1.1.	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
13.15	<p>Compliance Option 3 – Monitoring-Based Compliance</p> <p>We acknowledge that the Massachusetts CII Permit allows the use of indicator parameters, such as phosphorus, to represent broader nutrient control and streamline compliance. In contrast, the California CII Permit does not allow the use of indicator or surrogate parameters, such as zinc, for compliance purposes. However, zinc remains a primary modeling parameter in the RAA due to its prevalence in stormwater impairments. We suggest the Water Board consider evaluating the feasibility of surrogate based approaches in future revisions to improve cost-effectiveness and regulatory clarity, while maintaining water quality protection.</p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
13.16	Section 9.3.2.3 requires sampling from each drainage area at all discharge locations. This may be burdensome for large facilities. We suggest the Water Board consider, in future revisions, allowing representative sampling or monitoring reduction for large, complex sites where full coverage is impractical, provided that the approach is technically justified and protective of water quality.	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.

14.1

Thank you for the opportunity to comment on the tentative CII Permit which appears on RB4’s website. I recommend that the tentative CII Permit (CII Permit) be eliminated for the following reasons:

With the exception of trash and bacteria, none of the TMDLs referenced in the CII Permit for the Dominguez Channel Watershed and the Los Cerritos Watershed, including Alamitos Bay, was not properly established. TMDLs are set in accordance with the State’s TMDL Listing Policy. The policy determines the listing or de-listing of TMDLs by recording exceedances of water quality standards (WQSs) or objectives¹ in receiving waters and then plugging the results in tables for toxics and non-toxics. According to the California Toxics Rule (CTR) metals are considered toxics. As an example, the table shows the number of exceedances needed to place a WQS on the 303(d) list which identifies TMDLs. Further CTR provides guidance for determining water quality standard using water quality criteria.

TABLE 3.1: MINIMUM NUMBER OF MEASURED EXCEEDANCES NEEDED TO PLACE A WATER SEGMENT ON THE SECTION 303(D) LIST FOR TOXICANTS.

Null Hypothesis: Actual exceedance proportion ≤ 3 percent.
Alternate Hypothesis: Actual exceedance proportion > 18 percent.
The minimum effect size is 15 percent.

Sample Size	List if the number of exceedances equal or is greater than
2 – 24	2*
25 – 36	3
37 – 47	4
48 – 59	5
60 – 71	6
72 – 82	7
83 – 94	8
95 – 106	9
107 – 117	10
118 – 129	11

There are two serious problems here. First, none of the water quality standards or objectives for toxics has been adopted for the Dominguez Channel or the Los Cerritos Channel. The monitoring results for receiving waters collected by the State Water Resources Control Board and Los Angeles Regional Board, based on MS4 data submittals, were not measured against

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a WQS or a water quality objective (WQO). Second, neither was established (see Attachment #1, letter from TECS Environmental to Rebecca Fitzgerald of the State Water Resources Control Board. Although MS4 permittees conducted receiving water monitoring for pollutants, as required by the 2012 and 2021 MS4 Permits for Los Angeles and Ventura Counties, the resulting data was not measured against WQSs or WQOs – despite being an MS4 Permit requirement. Compliance with WQSs is also a CII requirement.

The excerpt from MS4 data for the Dominguez Channel below provides an example.

Regional Board	Data Source	Sample Date	Sample Location	Pollutant	Unit	Result	WQS Exceed
Region-4 MS4	DC CIMP (RW)	2015-12-13	Dominguez Channel (Artesia)	Copper	ug/L	222	N/A
Region-4 MS4	DC CIMP (RW)	2015-12-13	Dominguez Channel (Artesia)	Copper	ug/L	14.8	N/A
Region-4 MS4	DC CIMP (RW)	2015-08-31	Dominguez Channel (Artesia)	Copper	ug/L	21	N/A
Region-4 MS4	DC CIMP (RW)	2015-08-31	Dominguez Channel (Artesia)	Copper	ug/L	17	N/A

Note that the data results for copper were not measured against a water quality standard or objective exceedance. Without exceedances, a TMDL (copper in this case) cannot be placed or removed from the 303(d) list. And without a TMDL, and its accompanying Waste Load Allocation (WLA), there can be no translation into a Water Quality Based Effluent Limitation (WQBEL), which applies to outfall discharges.

Beyond this:

Colorado Lagoon incorrectly 303(d) list Chlordane, pesticides, DDT, PCBs, and Dieldrin. For water samples, which are applicable to MS4 and other stormwater discharges, there are no exceedances for each of these pollutants. However, in terms of fish tissue results a few have exceeded the minimum sufficient to place them on the 303(d) list. But MS4 and other stormwater permittees can only be subject to water samples from in-stream or outfall monitoring.

14.2	<p>Los Cerritos Channel incorrectly list copper, lead, and zinc. According to the fact sheets for each of these metals 0 water samples taken. Chlordane, was also de-listed. Bacteria was correctly listed. Ammonia apparently was incorrectly listed. The fact sheet shows 22 samples were taken with 0 exceedances. DEHP was listed, though its source is listed unknown. Also note that most of the pollutants on the 303(d) list are recorded as <i>source unknown</i>. That being the case, the pollutant cannot be a permittee responsibility.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
14.3	<p>Dominguez Channel (above and below Vermont), 303(d) list metals that were based on exceedances CTR criteria which are only factors that are used to determine WQS/WQOs. They should be dismissed.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>14.4</p>	<p>U.S. Supreme Court Decisions that invalidate CII Permits: Striking Down the Chevron Doctrine and City and County of San Francisco v. EPA. The dismantling of the Chevron Doctrine took away from EPA, and by extension states that are designated by EPA to implement the Clean Water Act, the ability to go beyond what Congress specifically authorized. Regulations adopted by Congress that exceed what is stated in the law. The upshot is that if Congress, through the CWA, did not specify a requirement, it cannot be authorized. This is the case with the CII permit, which enables compliance with Water Quality Standards (WQS)2 by implementing one of three options:</p> <p><i>Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project(s)</i></p> <p><i>Compliance Option 2 – Facility-Specific Design Standard to Reduce Stormwater Runoff</i></p> <p><i>Compliance Option 3 – Direct Demonstration of Compliance with Water Quality Based Effluent Limitations</i></p> <p>The U.S. Supreme Court decision in City and County of San Francisco v. EPA addresses the mechanics of complying with NPDES permits. Prior to the SCOTUS decision, USEPA and the state water boards required strict compliance with numeric water quality standards (WQS) at the “end of pipe.” The decision changed that by requiring the implementation best management practices (BMPs) to determine compliance with WQS instead of at outfalls or in receiving waters. Therefore, the CII permit cannot require end-of-pipe compliance with TMDL-derived Water Quality Based Effluent Limits (WQBELs).</p> <p>Even if the CII Permit were valid, it is redundant when compared with L.A. and Ventura MS4 Permits. MS4 permittees are aggregated into Watershed Management Program (WMP) groups and are responsible for treating runoff from their jurisdictions, including runoff generated from CII Permit-subject facilities. Compliance with WQBELs at the outfall and TMDL WLAs in receiving waters is achieved through WMP implementation. In other words, you cannot have two separate permit requirements addressing the same issues. Also note that compliance with the trash TMDL for five-acre plus hardscaped facilities is unnecessary because Dominguez Channel and Los Cerritos Channel MS4 Permittees are required to install trash controls in their catch basins. With respect to bacteria, Dominguez Channel and Los Cerritos Channel MS4 Permittees are subject to the high-flow suspension bacteria exemption and Sewer System Overflow requirements intended to reduce sewage releases containing bacteria and other pathogens to the MS4. With respect to nutrients, MS4</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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	Permittees require the control of fertilizer (organic and inorganic) through the implementation of BMPs. These BMPs all apply to impervious 5-acre plus sites.	
14.5	CII Permits and General Industrial Activity Stormwater Permits (GIASPs) are closely related, yet CII Permits require more monitoring. Whereas GIASPs require monitoring limited to parameters at the point of discharge – usually on-site -- CII Permits require monitoring off-site at outfalls or in the receiving water. Again, monitoring requirements are redundant because MS4 permittees already perform outfall and receiving water monitoring.	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
14.6	The cost of implementing the CII Permit has not been estimated for commercial, industrial, and institutional facilities. This is because these CII facilities are not specifically identified in the permit. The CII Permit only indicates that facilities with an impervious surface of five-acres or more are subject. Further, there are no existing data that show to what extent each of the CII categories generate pollutants that would be discharged in stormwater or non-stormwater. Further, imposing an additional regulatory cost on businesses comes at a time when tariffs and a poor economy are threatening recession. Although the regional board has not provided an estimate of the cost to comply with the CII Permit, the cost of retaining a consultant to prepare a stormwater management plan and a monitoring plan could range from \$25k to \$35k. The cost to implement both of these plans, which includes inspection costs, could be as high as \$20k or more per year. And, just as a matter of fairness, the regional board should notify CII facilities that they are subject to its requirements, rather than being surprised later.	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.

<p>14.7</p>	<p>As mentioned, WQSS/WQOs for the most part, have not been adopted. WQSS/WQOs are intended to protect beneficial uses. Yet, the 303(d) fact sheets incorrectly exclude beneficial uses taken from the basin plan. Instead of identifying those beneficial uses it resorts to general descriptions. For example, for the Dominguez Channel below Vermont Avenue, the fact sheet for copper identifies its beneficial use protection as <i>Estuarine Habit</i> (see attachment #2). However, according to L.A. Basin Plan Chapter 2, Beneficial Uses, both the Dominguez Channel Estuary (below Vermont Avenue and Dominguez Channel above 135th Street (basically above Vermont Avenue) the beneficial use is REC1, LREC-1, and REC2 – not Estuarine Habitat (see the definitions of these uses below). Clearly, copper, which is generally applied to the protection of fish in estuarine habitats and has no relationship with any of the Recreation Uses. This is a problem that extends to MS4 and other stormwater permits.</p> <ul style="list-style-type: none"> • <i>Water Contact Recreation (REC-1)</i> <p>Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.</p> <ul style="list-style-type: none"> • <i>Limited Water Contact Recreation (LREC-1)</i> <p>Uses of water for recreational activities involving body contact with water, where full REC-1 use is limited by physical conditions such as very shallow water depth and restricted access and, as a result, ingestion of water is incidental and infrequent.</p> <ul style="list-style-type: none"> • <i>Non-contact Water Recreation (REC-2)</i> <p>Uses of water for recreational activities involving proximity to water, but not normally involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.</p> <ul style="list-style-type: none"> • <i>Estuarine Habitat</i> 	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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	<p><i>Uses of water that support estuarine ecosystems including, but not limited to, preservation or enhancement of estuarine habitats, vegetation, fish, shellfish, or wildlife (e.g., estuarine mammals, waterfowl, shorebirds).</i></p> <p>In the final analysis, I am afraid to say that the CII is defective to a pathological extent. It has no chance of surviving. I suggest that we talk about it and that you consider dismissing the CII Permit based on the reasons I provided.</p>	
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<p>15.1</p>	<p>Compliance Option 1</p> <p>We greatly appreciate the Regional Board’s inclusion of Compliance Option 1 in the Draft CII Permit, as we expect most permittees will select this option. Nevertheless, we feel Compliance Option 1 would be materially enhanced through expansion and streamlining, which are needed to ensure permittees will be able to utilize this option in light of concerns regarding costs and availability. As such, we have summarized our chief concerns below and provided suggestions to address them.</p> <p><u>Compliance Option 1 Requires Further Development</u></p> <p>Compliance Option 1 provides that a “Discharger may only participate in Compliance Option 1 if the CII facility is included in the area modeled by the reasonable assurance analysis supporting the group’s Watershed Management Program.” (Draft CII Permit, § 8.1.) Compliance Option 1 also requires a Discharger to “enter into a signed, legally binding agreement with the Watershed Management Group or its Fiduciary.” (Draft CII Permit, § 8.1.2.) Dischargers must also report “any update to their agreement” annually. (Draft CII Permit, § 9.1.3.) Drafting, negotiating, updating, and reporting on these agreements, in connection with highly technical and long-term industrial projects, will be extremely costly and burdensome, particularly as Dischargers vary in level of sophistication and many CII facilities have never been subject to permit coverage.</p> <p>A critical concern with Compliance Option 1 is the lack of clarity and predictability regarding the funding obligations imposed on permittees. The current permit language does not establish an upper bound for the funding level required, and the “Pollutant Level Factor”—a key component in determining financial contributions—remains insufficiently defined. This ambiguity makes it impossible for permittees to estimate their potential financial liability, which is particularly problematic for large, complex sites with significant stormwater management needs. As staff recognizes, some permittees may have no choice but to choose Compliance Option 1 because “conditions at their site would not allow them to install sufficient BMPs to comply with Compliance Options 2 or 3.” (Fact Sheet, § 3.12.4.1.3.) To the extent the demand for funding regional projects exceeds project supply, Watershed Management Groups (WMGs) may use this supply and demand leverage to extract disproportionate payments from Dischargers. This concern is exacerbated by the absence of a Regional Board-approved regional project agreement form and any meaningful guidance or criteria in the Draft CII Permit as to what regional project agreements may (or may not) include.¹ Burdens associated with entering into regional project agreements will also be shared by Regional Board staff, who will be tasked with reviewing and approving hundreds of bespoke</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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	<p>agreements, without any guidance, and determining whether they comply with unspecified funding requirements and unclear standards, decisions which may be ripe for litigation.</p> <p>Furthermore, the permit does not clearly allocate risk in the event that a funded regional project fails to achieve its intended water quality outcomes. Without a template agreement or standardized terms, the risk profile for permittees is entirely uncertain and subject to protracted negotiations with Watershed Management Groups. Given the long lead times and substantial investments required for infrastructure projects at large facilities, this lack of certainty renders Compliance Option 1 potentially infeasible for many dischargers.</p> <p>To address the foregoing concerns regarding the availability of regional projects, administrative inefficiencies of drafting and negotiating bespoke regional project agreements, and significant costs of compliance, we recommend consideration of the below modifications to Compliance Option 1. These proposed amendments aim to expand and streamline the option and reduce the collective administrative burden.</p>	
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<p>15.2</p>	<p><i>Compliance Option 1 Should Allow Payment into a General Fund</i></p> <p>Compliance Option 1 should allow for payment into a general project fund, which would ensure the equal availability of the option and significantly reduce administrative costs. Instead of restricting Dischargers to only funding regional projects, Dischargers should be allowed to contribute to a general project fund created and administered by the Regional Board. The general fund could be used to support projects that address permit objectives. Allowing Dischargers to contribute to a general fund ensures that Dischargers could comply with water quality based effluent standards through a fee option that will always be available. <i>If the Regional Board then maintains that WMGs are in the best position to implement projects (see Response to Comment (August 25, 2025), p. 65), the Regional Board can then administer funds from the general fund to the WMGs.</i></p> <p>With respect to project administration and cost effectiveness, creating a general project fund would give the Regional Board the ability to support and fund water quality improvement projects that will address the impacts the Draft CII Permit is intended to mitigate. A general fund would also be more effective in enhancing water quality because it would centralize administration and oversight in the Regional Board. In addition, a general fund would allow for greater transparency, planning, and coordination in project development and could be deployed to address water quality issues that have not yet been studied by the Regional Board or may arise in the future.</p> <p>In addition to administering funds to WMGs, a well-capitalized general fund could be used to construct larger projects located downstream that also benefit from economies of scale, as compared to clusters of smaller projects that may leave some areas within the jurisdictional boundaries without project coverage. This will also allow the Regional Board to deploy projects with greater flexibility to meet the goals of the CII Permit.</p> <p>Required payments into a general project fund could be based on square footage of the impervious area on site. The Regional Board could consider a similar fee structure as Los Angeles County's Measure W (Safe, Clean Water Program), which imposes a fee of 2.5 cents per square foot of impermeable surface areas. The fee structure should be determined through research and analysis by the Regional Board to determine the funding level necessary to address the water quality issues that are the subject of the Draft CII Permit. The fee structure should be adjusted to be proportionate to the estimated water quality</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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	degradation caused by regulated CII sites, and may, as the Draft CII Permit currently envisions, take into account site specific factors such as activity type.	
15.3	<p><i>The CII Permit Should Include a Template Agreement and Enforceable Funding Limits</i></p> <p>Before adopting the permit, we urge the Regional Board to provide clear, enforceable limits on project funding obligations and to develop standardized agreement templates that fairly allocate risk and responsibilities between permittees and WMGs. As discussed above, enforceable funding limitations are necessary to protect permittees from potentially exorbitant costs to reach an agreement with WMGs. Funding limitations, in tandem with template agreements that provide transparency to the compliance risks associated with Compliance Option 1 will aid owners and operators in accurately assessing the viability of the compliance option.</p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
15.4	<p><i>Permittees Should Receive Credit for Payment of Measure W Tax</i></p> <p>Many facilities pay Measure W parcel taxes that are used to fund regional water quality improvement projects. That these projects are part of the compliance demonstration for the MS4 permit does not foreclose that the facilities paying Measure W taxes receive credit towards compliance with the CII Permit. (Response to Comment (August 25, 2025), p. 80.) The Draft CII Permit should allow permittees to offset Compliance Option 1 costs by demonstrating payment of Measure W taxes.</p>	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.

<p>15.5</p>	<p>Initial Sampling Requirement</p> <p>The initial sampling requirements in the Draft CII Permit present significant logistical and financial challenges, especially for large and complex sites. Such facilities often have numerous potential sampling locations, and the Draft CII Permit's requirement to analyze up to 15 parameters per location—substantially more than the 6 parameters required under the Industrial General Permit (IGP)—exponentially increases the burden. Industry estimates suggest that the cost of sample analysis alone could reach tens of thousands of dollars per facility, not including the operational challenges of collecting sufficient sample volumes (often three gallons per point) during infrequent qualifying storm events. The three-year window to select a compliance option and submit the necessary documentation may not be adequate, given the limited capacity of laboratories to process a surge of samples from hundreds of facilities simultaneously. Moreover, the rationale for requiring such extensive sampling, particularly for permittees pursuing Compliance Option 1 (which is based on funding offsite regional projects rather than direct discharge control), is unclear. We recommend that the Board reconsider the scope and necessity of initial sampling requirements, tailor them to the actual risk profile of each facility, and provide flexibility for permittees to demonstrate compliance through alternative means where appropriate.</p> <p>Specifically, individual facilities should not be burdened with sampling and analysis of pollutants for which there is no basis to determine that the sites have a reasonable potential to cause or contribute to exceedances of water quality objectives. (See Fact Sheet, § 4.6.) Initial sampling and analysis should only be required for pollutants where there is an established TMDL or 303(d) listing. Further, due to the foreseeable difficulties in meeting sampling and analysis requirements within the three-year window to enroll in a compliance option, the Draft CII Permit should be revised to allow facilities to submit Permit Registration Documents without the required analytical data if it was not reasonably possible to obtain the necessary samples for analysis. We request that the Regional Board make these changes prior to adopting the Draft CII Permit.</p>	<p>See responses to comments #3.2 and #7.13.</p> <p>The Los Angeles Water Board considers one year to be sufficient for Dischargers to complete the initial sampling requirements of the CII Permit. These requirements are feasible to accomplish within this timeframe.</p> <p>Please note that Attachment E, section 2.1 of the revised draft CII Permit requires the Discharger to collect representative samples to comply with the initial sampling requirement, which may not require the sampling of every discharge location. The sampling locations can be tailored to a facility's layout and site-specific conditions.</p> <p>Regardless of the compliance option selected, all dischargers are required to conduct initial sampling, including those selecting Compliance Option 1. See also response to comment #7.13.</p>
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<p>15.6</p>	<p>A Template Time Schedule Order and Application Guidance Should be Available to Dischargers Upon Permit Adoption</p> <p>Extensive diligence and analysis will be required to determine which compliance option(s) are technically and economically feasible and select and implement the preferred option. For many permittees, this process will likely require the involvement of consultants, engineers, architects and other specialists for data gathering, design, testing, engineering, modeling, construction, etc. The Draft CII Permit currently gives permittees just three years to enroll and submit requisite compliance option documentation. Even with the one-year extension from the previously considered two-year application deadline, this is insufficient time given the substantial burdens of compliance imposed by the Permit. The Draft CII Permit should allow permittees up to five years to enroll or, alternatively, provide a clear path for facilities to obtain a time schedule order, as needs may dictate. <i>We acknowledge that issuance of a time schedule order at this time may be premature, however we offer that publishing a template order will assist facilities in analyzing and choosing a compliance option.</i> We respectfully request the Regional Board, simultaneous with adoption of the Draft CII Permit, publish a template time schedule order and detailed application guidance with specific instructions as to how permittees may obtain a time schedule order.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>15.7</p>	<p>Tailored and Data-Driven Monitoring and Reporting Requirements</p> <p>In its current form, section 9 of the Draft CII Permit imposes overly broad monitoring and reporting requirements in connection with Compliance Options 1 and 3. As such, we respectfully request consideration of the below amendments to better tailor these requirements and ensure they are supported by relevant data.</p> <p>The monitoring and reporting requirements, particularly the mandate for photographic documentation of stormwater discharges from all site outfalls, impose a substantial burden on permittees—especially those operating large or complex facilities with numerous discharge points.</p> <p>For example, a single facility may be required to document over 20 discharge locations during a single storm event, capturing detailed images that include time and date stamps. The practical value of such extensive photographic documentation is questionable. Additionally, the infrequency of qualifying storm events and the variability of facility operating hours create compliance risks, as it is unclear how the Board will determine when a facility is required to collect samples or photographs—particularly for businesses with irregular or extended hours. There is also concern regarding the public availability of these photographs, which could raise security and privacy issues for sensitive sites. We recommend that the Board revise these requirements as suggested below to focus on representative sampling and reporting. We further request that the Regional Board provide clear guidance on compliance expectations relative to operating hours and ensure that any public disclosure of monitoring data does not compromise facility security.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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15.8	<p><u>Compliance Option 1 – Monitoring</u></p> <p>Monitoring and reporting requirements for Compliance Option 1 require visual observations at “all discharge locations.” We respectfully request that the Draft CII Permit allow for selective observation of discharge locations reflective of site conditions more broadly. Alternatively, Dischargers should be permitted to observe one discharge location within each drainage area. Under the Draft CII Permit, every regulated facility will be at least five acres in size, and several will be significantly larger. Monitoring <i>each</i> discharge location during a storm event will be impractical. Observing multiple discharge points within each drainage area will also generate multiple redundant results. Under Compliance Option 1, therefore, a Discharger should be permitted to observe select discharge locations representative of broader site conditions or, alternatively, one discharge location within each drainage area. This modification would reduce the burden of complying with monitoring and reporting requirements and also reduce the administrative burden on the Regional Board by avoiding review of duplicative data.</p>	<p>Visual observations, including photographic documentation, are required at all discharge locations. For additional information regarding the rationale for this requirement, please refer to response to comment #7.17.</p>
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<p>15.9</p>	<p><u>Compliance Option 3 – Monitoring</u></p> <p>The Draft CII Permit requires a Discharger to collect samples “from each drainage area at all discharge locations.” (Draft CII Permit, § 9.3.2.3.) For the same reasons discussed above, this requirement would be exceedingly burdensome due to the large sizes of regulated facilities. This requirement is also inefficient in that it will likely produce several redundant results, which select representative sampling could avoid. Additionally, for facilities without specified “discharge locations,” it is unclear how samples should be collected (<i>e.g.</i>, a large paved parking lot or impermeable area without drainage features) or what constitutes a discharge location as stormwater may leave a particular area in many different locations in varying amounts. As such, some permittees will face the prospect of implementing costly new improvements to comply with sampling requirements. The Draft CII Permit should clearly define what constitutes drainage areas and discharge locations and should allow for monitoring of a representative discharge location from each drainage area.</p> <p>The Draft CII Permit also requires the Discharger to analyze all collected samples for each parameter with an established effluent limitation under section 7 of the Permit. (Draft CII Permit, § 9.3.2.5.) Given the scope of EPA’s final designation, sampling under Compliance Option 3 should be limited to zinc and copper. However, if sampling for parameters in addition to zinc and copper is required notwithstanding the above concerns, we respectfully request permittees be allowed to perform a pollutant source assessment to determine whether the facility is a source of applicable parameters, particularly those parameters for which modeling was not performed to identify CII facilities as sources (<i>e.g.</i>, bacteria, legacy pesticides, etc.). To the extent the Regional Board is concerned that changes in facility operations may affect the presence of certain parameters after a pollutant source assessment is performed, the Draft CII Permit may require a pollutant source assessment following a significant change in operations reasonably likely to materially alter the presence of non-sampled parameters or a confirmatory pollutant source assessment every five years.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>15.10</p>	<p>Applicability and Site Responsibility Clarification for Complex Sites</p> <p>The applicability and site responsibility provisions of the Draft CII Permit would benefit from further clarification, particularly for facilities located on the borders of the designated watersheds or those comprising multiple contiguous parcels. Many permittees are uncertain whether the Regional Board will proactively notify them of their permit obligations, especially when their sites straddle watershed boundaries. The current approach of treating contiguous parcels as a single site may not be appropriate for large, campus-style facilities where parcels are separated by intervening properties with different ownership. The permit should explicitly allow owners or operators of such complex sites to apply for coverage through a single, consolidated application, thereby streamlining compliance and reducing administrative burden. Furthermore, significant uncertainty remains regarding the definition of “authority and operational control”—a key determinant of permit responsibility. Without clear guidance, disputes may arise among multiple owners or operators, increasing costs and jeopardizing timely compliance. The permit currently requires each owner or operator in a common development to obtain separate coverage, but does not specify whether their applications must be coordinated or how differing compliance options will be managed. We urge the Board to provide detailed guidance on these issues to ensure fair, efficient, and coordinated compliance for complex sites.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>15.11</p>	<p>Flexibility for Sites Subject to the IGP</p> <p>The Draft CII Permit previously allowed facilities that were covered by the Industrial General Permit (IGP) to either retain that coverage and enroll in the CII Permit for non-industrial portions of the facility, or to enroll in the CII Permit for the total facility area. (See 2022 Draft Permit, § 3.1.3.) Allowing facilities to determine the most efficient path forward could greatly increase compliance efficiencies at the facility level as well as administrative efficiencies for Regional Board staff. The Draft CII Permit should be revised to reinstate the option to choose to enroll in the CII Permit in order to capture these efficiencies and reduce the burdens associated with dual coverage at these sites. We also request that, prior to adopting the permit, the Board provide clear guidance on how any overlapping requirements will be handled. Specifically, the Draft CII Permit should expressly provide that facilities may meet CII Permit obligations by demonstrating that BMPs and/or other compliance measures taken pursuant to the IGP accomplish any corresponding objectives of the CII Permit.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

15.12	<p>Permittees Should be Deemed in Compliance With BAT and BCT</p> <p>Section 7.1 of the Draft CII Permit requires all dischargers to implement BMPs that comply with best conventional pollutant control technology (BCT) and best available technology (BAT) requirements regardless of the chosen compliance option. This effectively negates sections 8.1.3 and 8.2.3, which provide that dischargers meeting Compliance Options 1 and 2 are deemed in compliance with the effluent limitations established in the Permit. Compliance Options 1 and 2 may become infeasible for a discharger that would need to implement BMPs on top of the costs and resources expended to comply with Compliance Options 1 and 2. Dischargers permitted under Compliance Options 1 and 2 should therefore be deemed to be in compliance with BCT and BAT as well as the effluent limitations established in the Permit.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
16.1 & 17.1	<p>As an initial matter, Commenters recognize that the scope of the Draft Permit is limited to CII Facilities in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. However, while the Governor vetoed Assembly Bill AB-2106 in 2022 and the legislature failed to pass AB-1313 this year, Commenters anticipate that portions of this legislation intended to expand the scope of the Draft Permit statewide will re-emerge in future legislative sessions. If this were to occur, the CII Permit currently under consideration for the two watersheds in Los Angeles County could become the template for a statewide CII permit. Thus, it is essential that the Draft Permit be sufficiently flexible to accommodate a wide variety of project sponsors for facilities seeking to achieve compliance through Option 1. While we applaud the addition of the Fiduciary Agent as the person or authorized representative acting for the benefit of another party, we believe this concept needs to be further expanded such that any MS4 copermittee or group of copermittees “can identify and implement customized, cost-effective strategies and BMPs based on the unique characteristics and water quality priorities of the watershed”. Commenters suggest that the Draft Permit incorporate Watershed Management Groups as a nonexclusive entity that can fulfil the role of Watershed Management Programs.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

16.2	<p>Paragraph 3.1.2 provides that the CII permit is applicable to Sites that are not covered by another NPDES stormwater permit with five (5) or more acres of impervious surface. While Paragraph 3.1.3 provides that the CII permit is applicable to CII Sites that are covered by another NPDES stormwater permit with five (5) or more acres of total area. [Emphasis Added.] First there does not appear to be any findings of fact to support this distinction. Second, these two provisions are an invitation to gamesmanship. What prevents a facility currently covered by an NPDES permit from filing a Notice of Termination and filing for coverage under the CII, thereby limiting the area of coverage to impervious areas? Finally incorporation of pervious areas into the scope of the CII Permit appears to conflict with Governor Gavin Newsom’s Executive Order N-16-25 dated January 31, 2025, in which he proclaimed: “The Department of Water Resources, the State Water Resources Control Board, the Natural Resources Agency, and the Environmental Protection Agency are directed to identify any obstacles that would hinder efforts to maximize diversions to storage of excess flows that become available as a result of the anticipated winter storms, to remove or minimize such obstacles wherever possible, and to promptly report to my office any additional statutory or regulatory barriers that should be considered for suspension”. The apparent conflict arises with the incorporation of pervious areas such as landscaping, and other natural infiltration strategies and, therefore, is antithetical to maximizing diversion and storage of storm water. Commenters suggest that Paragraph 3.1.2 be revised to cover all CII Sites and that Paragraph 3.1.3 be deleted.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
16.3 & 17.2	<p>Paragraph 3.1.3.1. also appears to lack any supportive findings of fact. Both the US EPA and the State Water Resources Control Board have recognized that one of the most effective Best Management (BMP) practices is to prevent contact between storm water and sources of industrial pollutants. It is unclear as to the basis for requiring facilities that have spent significant sums of money to prevent such contact to now be punished without any demonstration that such facilities are the sources of zinc, the only analyte that EPA considered when it issued a Residual Designation for the two watersheds that are the subject of the CII Permit. Commenters suggest that Paragraph 3.1.3.1 be revised to exempt facilities that obtain NEC coverage for those impervious areas to which the NEC applies. Alternatively, Commenters suggest that facilities who have obtained NEC status or are eligible to do so be assigned a Pollutant Level factor of less than 1 if they chose Compliance Option 1.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>16.4</p>	<p><u>Adequate Notice to Dischargers</u></p> <p>Paragraph 2.5 of the Draft Permit provides: “In accordance with state and federal laws and regulations, the Los Angeles Water Board has notified interested agencies and persons of its intent to prescribe WDRs for the discharges authorized by this Order and has provided them with an opportunity to submit their written and oral comments. Details of the notification are provided in the Fact Sheet (Attachment F) of this General Permit”. Paragraph 5.1.5 of the Fact Sheet goes on to state: “Between December 18, 2023, and August 25, 2025, the Los Angeles Water Board responded to written comments and prepared the third revised tentative CII Permit. On [Public Notice Date], the Los Angeles Water Board notified all interested parties including the Dischargers and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. Notification was provided through posting on the Los Angeles Water Board’s Internet site, sent out via GovDelivery mailing list and interested stakeholder email list on [Public Notice Date]”.</p> <p>It is unclear what is meant by the term “public notice date”. However, the record is silent on exactly how, if at all, the RWQCB provided any notice specifically to property owners or operators of Commercial or Institutional facilities; entities that have never been previously regulated under an NPDES permit and likely have little or no knowledge of the RWQCB or its intent to promulgate this permit.</p>	<p>The reference to the “public notice date” was a typographic error and was corrected in section 5.1.5 of the Fact Sheet on August 29, 2025, as noted on the Revised Notice of Public Hearing.</p> <p>The Revised Draft General NPDES Permit is now available at the following link: CII Permit - Stormwater Los Angeles Regional Water Quality Control Board</p> <p>For information regarding stakeholder participation in the permit issuance process, please refer to section 5 of Attachment F.</p>
<p>16.5</p>	<p>Moreover, it remains unclear as to how the owner or operator of a commercial or institutional site will be notified of their obligations to comply with the Permit. Unlike the General Industrial Storm Water Permit where operators are notified of their obligations when they apply for or renew their business licenses or the General Construction Storm Water Permit, where property owners are notified through the local land use permitting process, there does not appear to be any analogous notification process in the current version of the CII Permit. Thus, it is likely that many private owners or operators of newly regulated properties will fail to enroll in the Permit due to a lack of adequate notification. Commenters suggest that prior to the effective date of CII permit, the Regional Water Board publish the list of parcels by APN number to which the board believes the CII permit applies and send notices to the record property owners of said parcels.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

16.6	<p>The Permit defines CII Sites as “a privately owned parcel or contiguous parcels of land that are commercial, industrial or institutional based on Los Angeles County Tax Assessor land use codes 1000 through 2900, 3000 through 3920, 6000 through 6910, 7000 through 7710, and 8100 through 8400. (https://portal.assessor.lacounty.gov). For parcels with land use code 1210 (mixed use commercial and residential) and 1720 (mixed use office and residential), the term CII Site only applies to the commercial, institutional, or industrial portion of the mixed land use parcel. This Order does not apply to residential facilities of any type, including those located within a parcel assigned the land use category of mixed use”.</p> <p>As an initial matter, the Permit does not appear to distinguish between parcels with regulated Los Angeles County Tax Assessor land use codes where there are no commercial, industrial or institutional facilities and those that do. For example, is a vacant parcel with Land Assessor Code 1800 (Hotel) subject to the Permit. Commenters suggest that the Permit explicitly state that parcels with regulated land use codes that are not used for commercial, industrial or institutional activities be allowed to file a Notice of Non-Applicability (NONA).</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
16.7 & 17.3	<p>The application of this definition to mixed use parcels remains unclear. On the one hand the definition makes clear that the Permit does not apply to residential facilities of any type and only applies to the commercial, institutional, or industrial portion of the mixed land use parcel. However, this definition fails to address the question of jointly used portions of the property. Is a parking lot that is used by both commercial and residential activities subject to the permit? What about a structure with commercial on the first floor and residential above? The definition is further confused by the recently added provision in Section 3.5 which states: “Conversion to residential use (full or partial) of an existing permitted parcel with commercial land use is an acceptable basis for termination of coverage under this Order”. Does this mean that a parcel that is converted to full or partial residential use is exempted from the CII permit but an existing mixed-use parcel is subject to a different set of standards? Commenters request this issue be clarified before the CII Permit is adopted.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>16.8 & 17.5</p>	<p>The definition of Discharger has similar infirmities. The Order defines the Discharger as follows:</p> <p>The Discharger is either the owner or operator of the CII Site, whoever has the authority and operational control to comply with all conditions of this General Permit, including preparing and implementing the SWPPP, and either (1) entering into a legally binding agreement with a local Watershed Management Group, (2) operating and maintaining stormwater controls to address the volume of runoff produced by an 85th percentile 24-hour storm event, or (3) implementing monitoring and reporting requirements and stormwater controls to directly demonstrate compliance with water quality based effluent limitations. The owner is the owner of the parcel subject to this General Permit. The operator is the lessee of the parcel subject to this General Permit.</p> <ol style="list-style-type: none"> 1) When a parcel is leased to multiple lessees, the owner of the parcel shall serve as the Discharger. 2) Where multiple qualifying parcels owned by different entities form a common development, the owner and/or operator of each parcel that is subject to this General Permit must obtain separate permit coverage. <p>As an initial matter while it may be possible for the Water Board to notify property owners of their new obligations based on the County Assessor’s Office property roll, a similar list of tenants does not appear to be available. Thus, there does not appear to be a reasonable method to provide adequate notice to operators. Second, this “either or” definition can only lead to enforcement impossibility. How will the Water Board address the scenario in which both the owner and the operator raise the defense that they lack the “authority and operational control” to comply with all conditions of this General Permit”?</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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16.9 & 17.6	Alternatively, how will the Water Board avoid duplicate or overlapping permits in the situation where both the owner and the operator apply for coverage? For example, how will the Water Board address the issue where the owner obtains coverage under Option 1 and the Operator obtains coverage under Option 3? Will compliance under one option be a defense against a compliance failure under the other?	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
16.10 & 17.7	Further, Paragraph 3.5 fails to deal with the question of Option 1 coverage in the event of a Notice of Termination. Assuming the Owner has availed itself of Option 1 and then sells the Property, does the Owner’s coverage and contract obligations run with the land or is it a severable asset? What is the liability of an owner if the Operator obtained coverage under the Permit and then ceases operations and terminates permit coverage? Commenters recommend that the definition of Discharger be limited to property owners to provide both clarity and enforcement feasibility.	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
16.11 & 17.8	Additionally, the definition uses the term “a common development”. However, “a common development” is itself an undefined term. Is this term synonymous with having a common APN or is the term intended to have some different meaning. Commenters request that the draft permit be revised to clarify the meaning of “a common development”.	Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.
16.12	Finally, Section 2.4 of the draft Permit contains descriptions of the covered receiving waters and watershed management areas; however, it is not clear that the description for Dominguez Channel and Los Angeles/Long Beach Inner Harbor Watershed Management Area has been updated for acreage and land use breakdown considering the Outer portions have been removed from coverage. This is relevant because it forms the basis of the Permit coverage. In addition, on page F-83, footnote 134 is removed, but then footnote 136 refers to it with “Id”. Commenters request that the draft be further reviewed and edited to reflect the removal of the Outer portions of Outer Harbor.	The footnote has been corrected in the CII Permit.

16.13	<p><u>Compliance Options</u></p> <p>The Draft Permit allows for three compliance options. These are:</p> <ul style="list-style-type: none"> • Compliance Option 1 – Agreement with Local Watershed Management Group to Fund Regional Project • Compliance Option 2 - Facility-Specific Design Standard to Reduce Stormwater Runoff • Compliance Option 3 - Direct Demonstration of Compliance with Water Quality Based Effluent Limitations <p>Based on information available to commenters at this time it appears that neither Option 2 or 3 are technically or economically feasible for the vast majority of Dischargers as further described below.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>16.14 & 17.9</p>	<p>Compliance Option 1</p> <p>While Option 1 appears to be the only feasible option for the vast majority of Dischargers, it still suffers from at least three critical infirmities. These are: the economic contribution of the discharger; the legal status of the participation agreement; the date on which the agreement is deemed to confer compliance with Option 1.</p> <p>The draft permit provides a formula to determine the economic contribution of the Discharger availing itself of Option 1 as follows.</p> $\text{Funding Level} \propto \frac{\text{Volume}_{NSWD} + \text{Volume}_{SWD}}{\text{Volume}_{\text{Total stormwater capacity}}} \times \text{Pollutant level factor}$ <p>The permit then provides the following definition of terms:</p> <ul style="list-style-type: none"> • Total stormwater capacity could be a regional BMP project capacity, or total regional BMP stormwater capacity for multiple drainage areas or the entire watershed. • The pollutant level factor is a value characterizing a given CII facility's site- specific conditions relative to the larger watershed management area. This value must be consistent with model inputs to the reasonable assurance analysis for that watershed or sub watershed. Further information regarding reasonable assurance analyses can be found in Los Angeles Water Board guidance: RevisedRAAModelingCriteriaFinal-withAtts.pdf <p>Unfortunately, the pollutant level contribution multiplier is as opaque as mud. This makes it impossible for the discharger to make the necessary business decisions as to whether to participate in Option 1, find an alternative use for the property, or just cease operations in the watershed. This uncertainty could rapidly lead to an abandonment of facilities that provide essential services to the community such as clinics, food stores and pharmacies. Commenters suggest that the Regional Water Board incorporate a new Attachment into the Permit that clearly establishes the Pollutant Level Factor by Assessor Land Code.</p> <p>Regarding storm water capacity, Commentors would like to confirm that this allows Storm Water Management Groups to calculate their capacity availability based on all of the projects in the watershed.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>16.15 & 17.10</p>	<p>The legal question of who are the parties that have engaged in the legal binding agreement have yet to be fully resolved. On the one hand it appears that the party providing the Option 1 compliance is the local Watershed Management Group or its Fiduciary Agent.</p> <p>However, the question remains, who is the Watershed Management Group contracting with and what are the property rights of the contracting Discharger? If the property owner is the contracting party, do the contracted rights run with the land or are they a severable asset? If the operator is the contracting party, are the contracted rights fungible such that it is an independent right that can be transferred by the operator to some other property or even sold? Once again, Commentors recommend that the definition of Discharger be limited to property owners for those CII facilities seeking coverage under Option 1. Moreover, Commentors recommend that the Dischargers rights and responsibilities run with the land.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>16.16 & 17.11</p>	<p><u>Compliance Option 2</u></p> <p>Under this option, dischargers can comply with the Draft Permit if they “design, implement, and properly operate and maintain stormwater controls (structural and/or non- structural BMPs) with the effective capacity to capture and use, infiltrate, and/or evapotranspiration all NSWDS and the volume of runoff produced up to and during an 85th percentile 24-hour storm event.” However, the obligations placed on the Discharger in Section 2 Additional Requirements require the Discharger to prove a negative when proposing infiltration. That is that the infiltrated stormwater and NSWDS will never cause or contribute to the exceedance of a water quality objective or impair a beneficial use. Finally, it is not clear where dischargers would construct the stormwater infiltration BMP without conflicting with other land use requirements such as the number of parking spaces. Thus, for most Dischargers, Option 2 is only viable where discharge to the sanitary sewer is both technically and economically feasible. While Commenters support this option, we are concerned that it will have limited applicability unless dischargers are allowed to enter into binding agreements with sanitary sewer districts to accept the discharge at a cost that fairly reflects the cost to treat and recycle the water. Commentors suggest that Watershed Management Groups be directed to consider contracting with POTWs directly as a means of providing sufficient capacity to address discharger demand under Option 1.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

<p>16.17 & 17.12</p>	<p><u>Compliance Option 3</u></p> <p>Option 3 requires Dischargers to capture and treat storm water to exceedingly stringent contaminant levels prior to discharge. Best estimates of the capital costs to design, permit, and build stormwater conveyance and treatment systems that can achieve the required contaminant levels range between \$100,000 and \$250,000 per impervious acre serviced. Thus, for a five (5) acre site the estimated capital costs of this alternative would be in the range of \$500,000 and \$2,500,000. Commenters base these cost estimates on treatment systems that have been installed at industrial facilities to achieve the Numeric Effluent Limits set forth in the Industrial General Permit in Region 4. Moreover, based on experience in the industrial sector, Commentors anticipate that operations and maintenance costs of such systems will range between \$10,000 and \$25,000 per year per impervious acre serviced or a cost for a five (5) acres site of between \$50,000 and \$125,000 per year. These costs do not account for the Measure W Property Tax. A typical 18–20-acre commercial property is already paying on average an additional \$17-\$20K per year in property tax per store for these same watershed objectives. Finally, it is not clear where dischargers would construct the treatment systems without conflicting with other land use requirements such as the number of parking spaces. It is not clear how smaller minority owned businesses, private schools, churches, and hospitals will be able to absorb these costs in lower income communities. Commenters suggest that these costs and their impacts on environmental justice be carefully analyzed prior to the adoption of this permit and that at least a portion of the Measure W Property Tax associated with a parcel opting for Option 3 be rebated to the property owner.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>16.18 & 17.13</p>	<p><u>Monitoring and Reporting</u></p> <p>Attachment E.2 imposes a new requirement on Dischargers. It requires all dischargers regardless of the compliance option selected to conduct pre-enrollment sampling and analysis of a stormwater discharge and any NSWd to evaluate reasonable potential to cause or contribute to an exceedance of water quality objectives. Analytes to be sampled include Ammonia, Biochemical Oxygen Demand, Indicator Bacteria, Methylene Blue Activated Substances (MBAS), Nitrogen/Bioestimulatory Substances, Oil and Grease, PAHs, Pesticides, pH, Temperature, Total Residual Chlorine, Total Suspended or Settleable Solids, toxicity, zinc and copper. It is not clear whether the discharger is required to sample pursuant to draft Permit provisions 9.3.2. or whether some other protocols are to be applied. Based on a recent quote from a reputable ELAP lab certified to analyze samples for the proposed suite of analytes, the cost per sample will exceed \$7,000. Putting aside the cost of analysis and the availability of ELAP certified labs to conduct the analysis, Commenters suggest that this new obligation be clarified to provide a clear definition of the scope of “pre-enrollment sampling” with due consideration to the costs versus the benefits of this new Permit Provision.</p>	<p>See responses to comments #3.2 and #7.13. Prior to submitting Compliance Option Documents, Dischargers are required to conduct an initial sampling and analysis as specified in section 2.1 of Attachment E. As documented in Section 3.12.4.1.2 of Attachment F, the Los Angeles Water Board estimated the cost for the one-time monitoring and analysis of Water Quality Objectives to be approximately \$2,741.</p> <p>Section 9.3.2 of the CII Permit pertains to Qualified Storm Event sampling and analysis under Compliance Option 3. For the initial sampling and analysis in section 2.1 of Attachment E, Dischargers shall collect representative samples and perform analyses in accordance with approved methods under 40 CFR Part 136. Additional monitoring requirements are detailed in Section 3.2 of Attachment D.</p>
<p>16.19 & 17.14</p>	<p>Moreover, it is our understanding that the information sought through this new provision is being sought to confirm some of the assumptions underlying the Reasonable Assurance Analysis (RAA) supporting the Watershed Management Group’s Watershed Management Program. However, it is our understanding that the Watershed Management Groups have already collected sufficient data to support their respective RAAs for Dischargers who opt to participate in Option 1 and the EPA and LARWQCB have already accepted the results of the modeling Fuscoe recommends that Discharges opting for compliance via Option 1 be exempted from this requirement.</p>	<p>The new initial sampling requirements are not being sought to confirm any of the assumptions underlying Watershed Management Groups’ Reasonable Assurance Analysis. Instead, the initial sampling and analysis required under the revised draft CII Permit is needed to enable the Water Board to evaluate whether additional or revised effluent limitations may be necessary in the future. See also response to comment #3.2.</p>
<p>16.20</p>	<p>Finally, the Draft Permit defines a Numeric Effluent Limitation (NEL) as: “a specific, quantifiable limit on the concentration or mass of a pollutant in a discharge. Exceedance of an NEL constitutes a violation of this General Permit”. [Emphasis added.] However, the definition of what constitutes a violation is either unclear or conflicts with the definition of what constitutes a NEL violation in the Industrial General Permit. Commentors request that the Draft Permit clarify this apparent conflict between the definition of what constitutes a NEL violation and adopt the Industrial General Permit definition.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

17.4	<p>Fusco requests this issue be clarified before the CII Permit is adopted. An example where the definition needs clarity includes the following. Costco is currently constructing a new facility in Los Angeles County in partnership with a national affordable housing developer where 800 apartments will be integrated with the new store including 184 units reserved for low-income households. It is critical that any mixed-use facility that includes residential units of any kind be exempt from the permit in its entirety to support the CA housing crisis.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
18.1	<p><u>The Tentative CII Permit Provides No Certainty to Affected Entities</u></p> <p>Property owners and operators affected by this Tentative CII Permit have no way of forecasting the implications of the recent changes without the Regional Board providing significantly more information. The proposed November adoption hearing is premature because the Tentative CII Permit lacks clarity, as well as any technical justification for its new provisions. Consequently, the Tentative CII Permit poses major compliance risks for all Permittees, including potential exposure to Clean Water Act (CWA) citizen suits.</p> <p>The Regional Board must provide more certainty on how compliance options will realistically work. Section 3.4.1 states, “Existing Dischargers applying for coverage under this Order must submit an NOI and SWPPP within one (1) year and Compliance Option Documents within three (3) years of the effective date of this Order”, which the Regional Board believes will allow Watershed Management Groups time to establish a fee structure for Compliance Option 1 and Permittees time to cost compare with Compliance Options 2 and 3. What happens if the Watershed Management Group does not finalize the fee structure, is significantly delayed, or refuses to work with a particular Permittee? Options 2 and 3 may not be achievable by every Permittee, and the final permit should be revised to required Watershed Management Groups to accept all Permittees, without which widespread compliance may not be possible. Additionally, the Regional Board could include a general fund option to which Permittees could contribute in the event that a Watershed Management Group is unable to offer available local projects.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

18.2	<p>For Option 1, the Regional Board needs to better define what constitutes a “regional project.” Are regional projects only those projects coordinated through the Safe Clean Water Program, or are other projects eligible? Do all regional projects have to be related to Measure W and coordinated through the Watershed Management Groups? Can a local municipal project be used for Option 1?</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
18.3	<p>Furthermore, Permittees have no way of knowing what their sites’ plausible compliance options will be until they attempt to apply for a particular Option. If they get rejected from Option 1, they will need to pursue Options 2. If Option 2 is not allowed or infeasible for any reason, the permittee will be forced into Option 3 and have to design and implement whatever physical infrastructure is required. This process will take years, during which time it is not clear whether the permittee would be considered out of compliance. Hence, the Regional Board should clarify that compliance with the Tentative CII Permit will not be required until a compliance method is implemented, currently three years from issuance date.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
18.4	<p><u>The Regional Board Has Not Provided Adequate Information About Compliance Costs</u> In the August 29 response to comments compilation, the Regional Board stated in response to comment 23.14 that the Option 1 formula for determining the Pollutant Factor is clearly provided in the Permit. This is incorrect. At the 2025 California Stormwater Quality Association Conference (September 17, 2025), Jenny Newman (Assistant Executive Officer of the Regional Board), participated in a panel concerning the Tentative CII Permit alongside two Watershed leads (Taraneh Nik-Khah, representing the City of Los Angeles for the Dominguez Channel Watershed Group and Richard Watson, representing the Los Cerritos Channel/Alamitos Bay Watershed Group). At one point, both Watershed leads stated that neither Watershed knows how to calculate the Watershed’s Option contributions needed from Permittees, or the Pollutant Factor based on the land use categories. Both leads stated that a Technical Memorandum or White Paper from the Regional Board is needed to provide a clear formula for the monetary contributions needed to support Option 1 projects. Without sufficient information on the Pollutant Factor, it is impossible for dischargers to assess potential compliance costs.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

18.5	<p>Additionally, the Dominguez Channel Watershed Lead indicated that a Joint Powers Authority would need to be formed, and that it was unlikely that one could be formed within the Tentative CII Permit's initial three-year period. Before adopting a final permit, the Regional Board should prepare and release the requested Technical Memorandum, including a table showing the Pollutant Factor by parcel or business activity for both watersheds. Furthermore, as discussed above, the compliance period should be extended to five years so that these issues can be addressed.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
18.6	<p><u>The Tentative CII Permit's Applicability Is Arbitrary</u></p> <p>The permit places unnecessary standards on private facilities that are vastly more restrictive and difficult to comply with than the requirements for regulated public facilities with similar areas of impervious surfaces. For example, the Los Angeles Region Phase I Municipal Permit (Order R4-2021-0105) (MS4 Permit) does not require control of rooftop discharges. Furthermore, the MS4 Permit merely requires inspection of parking lots, a known source of zinc and copper pollution, twice per month and cleaning of those lots once per month, without any obligation to implement onerous BAT/BCT-compliant Best Management Practices. It is neither cost-effective nor logical to place significantly more restrictive requirements on private facilities based only on their ownership, while essentially ignoring impacts from publicly owned properties. Moreover, if a facility simply changes its land use to residential, it is no longer required to enroll in this permit. This concept has no scientific basis for reducing the pollutants EPA is concerned with. For example, a vacant five-acre impervious lot with no vehicular activity has far less pollutant generation risk than a five-acre impervious mixed use residential apartment complex with 100 residents. Why would the first parcel be required to have a permit and the second not?</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

18.7	<p>Remarkably, the Regional Board seeks to regulate privately owned impervious surfaces that are not subject to vehicular use more strictly than publicly owned land whose express purpose is vehicular use. Thus, the Tentative CII Permit should be further revised to exclude those low-risk private CII facilities which have five or more acres of impervious surface, but do not contribute to zinc and copper pollution because an insignificant portion of the impervious surface is open to parking or vehicular traffic. For example, certain impervious surfaces/sites may only make <i>de minimis</i> contributions of pollutants in runoff as a result of atmospheric deposition, buildup, and wash off. These <i>de minimis</i> pollutants are generated from regional transportation sources and are not attributable to the activities or sources from these low-threat facilities. As such, these facilities should not be forced to bear the economic burden of a regional issue.00</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
18.8	<p>Regional Board staff have indicated that the permit is not intended to apply to vacant parcels, but rather those with ongoing CII activities (see Attachment 1). However, this is not expressly stated in the Tentative CII Permit. The Los Angeles County Assessor’s property use classification codes are an imperfect proxy for making this determination, and vacant parcels, or vacant portions of parcels, that are not subject to regular use for CII purposes, should be excluded from the application of the permit, as they are not used for CII activities.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
18.9	<p><u>The Toxicity Testing Requirement Is Inconsistent with Recent Case Law</u></p> <p>A recent court decision precludes the use of whole effluent toxicity testing applicable to this permit (see <i>Camarillo Sanitary Dist. v. State Water Resources Control Bd.</i> (https://law.justia.com/cases/california/court-of-appeal/2025/f087362.html)). Toxicity testing and screening are extremely expensive and are not relevant for the intended purposes of this permit. The Environmental Protection Agency’s (EPA’s) Residual Designation dated November 5, 2024, specifically addressed zinc as the limiting pollutant only. Therefore, toxicity testing should be removed from the Tentative CII Permit.</p>	<p>See response to comment #7.13 regarding your comment on the cost of monitoring.</p> <p>In <i>Camarillo Sanitary District v. State Water Resources Control Board</i>, the California Court of Appeal, Fifth Appellate District, determined that the use of the Test of Significant Toxicity (TST) in National Pollutant Discharge Elimination System (NPDES) permits is inconsistent with federal regulations. However, the CII Permit does not employ the TST approach. Instead, it requires Chronic Whole Effluent Toxicity (WET) testing. Please refer to section 6 of Attachment E for additional information. Please note that zinc is not the only pollutant at issue for these CII Facilities, and therefore, monitoring is necessary for all pollutants that require RPA.</p>

18.10	<p>Pg. 13., Section 4.3</p> <p>The trash prohibitions conflict with each other.</p> <p>Section 4.3 States.... “The discharge of trash to receiving waters or the deposition of trash where it may be discharged into receiving waters is prohibited. Permittees may comply with the trash prohibition using any lawful means, including the implementation of certified full capture systems.” However, the full trash capture Section 6.6.2 states that “full capture systems that have not received such certification shall not be considered compliant with the trash-related provisions of this Order.” Therefore, it seems like full capture would be required as part of Section 4.3. We request the Permit identify the specific lawful means that would comply with the trash prohibition but are not certified as full-capture devices.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comment. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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<p>18.11</p>	<p>Pg. 21. Section 7.1 and 7.2</p> <p>The addition of sampling for all dischargers, and comparison of sample results with Tables 1 and 2, implies that regardless of the Option selected, a discharger would be required to implement best conventional pollutant control technology (BCT) and best available technology economically achievable (BAT) requirements for all dischargers, even if they participate in Option 1 or 2.</p> <p>“7.2 Regardless of the compliance option selected for water quality -based effluent limitations in section 7.2, all Dischargers shall implement BMPs that comply with the best conventional pollutant control technology (BCT) and best available technology economically achievable (BAT) requirements of this Order to reduce or prevent discharges of pollutants in their stormwater discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability. Compliance with technology-based effluent limitations shall be determined through implementation of the SWPPP described in section 6 of this Order.”</p> <p>The current language in Section 7.2 could be interpreted to require that a Discharger selecting Option 1 or 2 would still have to implement and maintain the same BAT/BCT controls, potentially at a great cost, as a neighboring Discharger selecting Option 3, despite spending millions of dollars on compliance through a regional project or full stormwater capture and treatment.</p> <p>Please clarify that BAT/BCT treatment controls listed in this section do not apply to a discharger participating in Option 1 or 2.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
<p>18.12</p>	<p>Pg. 24, Section 8.1</p> <p>What does “partially fund” mean in the context of Option 1? Please confirm that an applicant who partially funds a regional project will be deemed in compliance with Option 1.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

18.13	<p>Pg. 32 Section 8.2.1 and throughout the document including Pg. I-2, Section 1.2 References to diversion to the sanitary sewer should be significantly revised.</p> <p>The Los Angeles County Sanitation Districts (LACSD) recently released a Stormwater Diversion Prohibition Ordinance. The LACSD service area includes most of the Dominguez Channel area. This means that diversion under Option 2 will not be feasible for most dischargers. The Regional Board should consult with LACSD staff before proposing this as a possible means of compliance.</p> <p>Please see: https://www.lacsd.org/services/wastewater-programs-permits/industrial-waste-pretreatment-program/industrial-waste-policies/rainwater-stormwater-groundwater-and-other-water-discharges</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
18.14	<p>D-4, Att. D. Section 1.7</p> <p>The term “bypass” needs additional clarification to differentiate between a bypass related to waste and those bypasses related to Option 2 design overflow criteria. The Permit has several instances where bypass is prohibited, bypass notifications are required, etc. However, the term bypass as it relates to Option 2 in Section 3.1 is allowed, so long as the 85th percentile, 24-hour design storm is captured.</p> <p>Our recommendations are to:</p> <ul style="list-style-type: none"> • Add a definition for Treatment System, “Design Bypass” to refer to bypass in the Option 2 compliance context as the discharged volume above and beyond the 85th percentile 24-hour design storm. Such Design Bypass should not be prohibited or subject to the conditions in Appendix A or D. • Add a clarifying Section 1.7.1.3 that Design Bypass as it relates to Option 2 in Section 3.1 is authorized under this permit and is not prohibited or subject to the conditions in Appendix A or D. 	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
18.15	<p>Pg. E.2, Section 2.1</p> <p>The following are comments on initial sampling as described in this section.</p> <ul style="list-style-type: none"> • Sampling Requirements - The Permit has added new initial sampling requirements in Section E.2 applicable to all enrollees, regardless of the Option selected. There is no specificity to the type, location, and intended purpose of the single blanket sample collection effort. 	<p>See response to comment #3.2. During initial sampling, samples must be collected prior to the discharge leaving the facility boundary and entering receiving waters and must be representative of the facility’s industrial activities and associated pollutant sources.</p>

18.16	<ul style="list-style-type: none"> The Table of Contents (TOC) indicated Section E.2, as monitoring requirements for Options 2 and 3 only. However, Section E.2, indicates monitoring requirements for all options. Please correct the TOC or restrict applicability of Section E.2 to Options 2 and 3. 	<p>The Table of Contents for Attachment E has been revised to clarify that section 2, Monitoring Requirements, applies to all compliance options under the CII permit.</p>
18.17	<ul style="list-style-type: none"> The purpose of this initial sampling is described in the Fact Sheet as necessary to inform the reasonable potential analyses for “future orders.” The Fact Sheet also indicates this is only a onetime sampling event. If the purpose is to inform the reasonable potential, that would be more reasonably accomplished by a special study that a Regional Collaborative Program performs as opposed to putting this burden on the hundreds of facilities that have little to no exposure other than impervious roofs and parking lots. The initial sampling requirements should be removed from the Permit. 	<p>See response to comment #3.2.</p> <p>Initial sampling provides greater regulatory and technical benefit compared to participation in a Regional Collaborative Program. Initial sampling enables the evaluation of pollutant levels from specific CII Facilities and determines whether such discharges impact receiving water quality. This information is necessary to assess whether additional effluent limitations are warranted. See also response to comment #7.13.</p>
18.18	<p>The requirement of a Toxicity Reduction Evaluation (TRE) / Toxicity Identification Evaluation (TIE) Workplan and subsequent action conflicts with the initial sampling being a supposed one-time requirement because it inherently entails subsequent follow-up actions. This section needs further clarification to be useful for its intended purpose.</p>	<p>The chronic toxicity results collected under the initial sampling requirement in section 2.1 of Attachment E will not be used for compliance purposes; therefore, the Toxicity Reduction Evaluation (TRE) and Toxicity Identification Evaluation (TIE) requirements are not applicable to the initial sampling results. However, the TRE/TIE requirements remain applicable to chronic toxicity results collected under the requirement in section 7.2 of the CII Permit.</p> <p>The Discharger shall prepare and submit a generic Initial Investigation TRE Work Plan within 90 days of the effective date of the Permit to ensure readiness in responding to potential toxicity events.</p>
18.19	<ul style="list-style-type: none"> Also, it is not clear if Tables 1 and 2 apply during the interim of the program prior to selecting an Option (between the submission of Permit Registration Documents and selection of a Compliance Option). If the tables do apply, please provide information on how an exceedance would be handled. 	<p>Tables 1 and 2 in section 7 of the CII Permit identifies the applicable parameters for analysis in receiving waterbodies under Compliance Option 3. For the list of water quality parameters required for initial sampling, please refer to Section 2.1 of Attachment E.</p>

<p>18.20</p>	<p>Pg. E.2, Section 2.1</p> <p>The EPA's Residual Designation stated that zinc is the limiting pollutant in these watersheds. The toxicity effects of zinc in water are well-known through reference toxicity tests for various species which were used to develop the California Toxics Rule criteria for zinc. Therefore, if a facility collects samples for zinc in its runoff and evaluates the sampling results according to effluent limitations shown in Tables 1 and 2, the facility will be able to determine if zinc is a problem at the facility without further expensive and undue toxicity testing.</p> <p>Accordingly, the requirement to perform a Toxicity Screening should be removed from this permit. Further, as stated above, a recent appellate court decision precludes the use of whole effluent toxicity methods.</p> <p>Additionally, the TRE/TIE Provisions that would be required of a discharger will be expensive. Estimates to perform an initial Toxicity Screening alone are \$7,500 per sample location and most subject properties may have multiple discharge points. If toxicity was observed, a TIE would be required, for which the cost could be upwards of \$20,000 per location to determine the specific pollutant of concern, while additional BMP and corrective action implementation would then beget another round of testing at each location exhibiting non-compliance for verification. The collective regulatory burden being placed on permittees will be upwards of millions of dollars in toxicity testing alone.</p> <p>The entire TRE/TIE Section appears geared towards a continuous waste stream assumption (e.g., a continuous wastewater discharge) or applicable to a Waste Discharge Requirement provision is inappropriate for an intermittent stormwater application. Lastly, the Industrial General Permit never required this level of assessment, so it should not be required for an impervious runoff concern related to incidental atmospheric deposition of copper and zinc as originally stated in the EPA's <u>Residual</u> Designation.</p>	<p>See response to comments #18.9 and #18.18.</p> <p>The chronic whole effluent toxicity (WET) testing requirements in the CII Permit are designed to evaluate impacts of facility discharges, rather than assuming a continuous waste stream.</p> <p>The TRE/TIE Provisions are only applicable to CII Facilities subject to the 2.0 TUC effluent limitation for Dominguez Channel or Torrance Lateral Channel and 1.0 TUC effluent limitation for Dominguez Channel (above Vermont Avenue) specified in Table 1 and Table 3 of the Order, respectively.</p> <p>The regulatory approach to controlling stormwater pollution has evolved over time, and the CII Permit represents a distinct methodology from the Industrial General Permit (IGP). Unlike the iterative approach employed under the IGP, the CII Permit emphasizes the immediate application of numeric effluent limitations, with flexible but easily trackable and enforceable compliance options. This approach directly implements U.S. EPA's designation of CII Facilities in the two watersheds.</p>
<p>18.21</p>	<p>Table F-3</p> <p>Staff's cost estimates were based on 2023 costs. Current 2025 costs have dramatically increased due to inflation and tariffs on goods imported from overseas. Many treatment system components, including pumps, valves, controls, and treatment system media specific to stormwater applications are affected by these tariffs and cost escalations. Current costs and lead times for pumps and supplies needed for treatment system capital and operations and maintenance costs have dramatically increased. We recommend the Regional Board account for this and update Table F-3 accordingly.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>

18.22	<p>Pg. I-8, Section 2.2.3 Regarding remedial activities, Section 2.2.3 states: “Prevent the migration of existing soil contamination and not interfere with any active remedial activities for existing groundwater contamination in the vicinity of the facility”</p> <p>We recommend this statement be expanded to require notifications and consultation with the Responsible Party operating any remedial groundwater operations to determine what impact any infiltration project proposed within the vicinity of an existing remediation site may have on the remedial project site. This should also apply to regional municipal projects which may not be subject to the same strict drinking water protection or Maximum Contaminant Level (MCL) monitoring requirements as those imposed on CII Permittees.</p>	<p>Thank you for your comment. However, the comment does not pertain to the specific additional changes that are open to written public comments. Accordingly, the Los Angeles Water Board will not accept your comment. Please see page 4 of the Revised Notice of Public Hearing for a list of the additional changes open to written comments. Please see response to comments dated November 2, 2023 and response to comments dated August, 25, 2025.</p>
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